



**MINUTES
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, MAY 24, 2023 -- 6:00 PM**

ROLL CALL and RECORDING OF ABSENCES: Present were: Juan Contin, Chairman; Daniel Walesky, Vice-Chair; Edmond LeBlanc; Zade Shamsi-Basha; Evelin Urcuyo. Absent: 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; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA The applicant for Unfinished Business PZB 23-00600002 is not yet present.

Board moves and unanimously approves that Item A, PZB 23-00600002, be heard after New Business to give time for applicant arrival

APPROVAL OF MINUTES:

- A. May 3, 2023 Regular Meeting Minutes

Board moves and unanimously approves the May 3, 2023 minutes as presented.

CASES:

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

PROOF OF PUBLICATION

- 1) Ordinance 2023-11- Rezone to TOD-East
- 2) Ordinance 2023-10 - Property Rights Element -Comp Plan

WITHDRAWALS / POSTPONEMENTS None

CONSENT None

PUBLIC HEARINGS:

BOARD DISCLOSURE None

UNFINISHED BUSINESS:

- A. PZB Project Number 23-00600002:** Consideration of a distance waiver to allow a Type I community residence with six (6) or fewer residents to be located at 1734 12th Avenue North within a radius of one thousand (1,000) feet of another community residence with six (6) or fewer

residents. The subject site is zoned Single-Family Residential (SF-R) and has a future land use designation of Single Family Residential (SFR).

Staff: S. Rodriguez presents case findings and analysis. The purpose of the waiver is the proposed use is within 1,000 feet of another similar residence. Florida Statute provides for Community Residences Type 1 within residential districts in addition to a distance requirement. Subject parcel is +/- 930 linear feet from an existing Type 1 Community Residence. This Residential use is limited to 6 or fewer residents.

Public Comment:

Patricia Pineda- 1722 12th Ave N: Is not in favor of the waiver being granted as it is not right for the neighborhood.

Robert Thompson 1721 12th Ave N: As no one can say for certain what type of resident will be there, it is better that the 1,000 feet distance requirement be enforced and no waiver granted.

Tenant of 1702 12th Ave N: It is a quiet neighborhood, has a special needs child; not in favor of granting.

Applicant: Iliodette Mezius of YLO – This is home care older people 55+ residents; will not be a sober home; has two daughters, 18 and 15 years old and will not endanger their lives by doing something wrong. Only recognizes one neighbor in the audience.

Board: What are the hours of operation? Reports of speeding in the neighborhood by vehicles from the lot. Who is living there now?

Applicant: Only her children and herself, she drives them or it may be Uber drivers.

Kathryn Oyer- 1716 12th Ave N: Children are there by themselves, their pets and children are out in the neighborhood; cars coming through night and day. The other residents have children and pets. If residents are there alone, who is taking care of them.

Board: Asks if there are issues with police or other people coming to the house. Applicant states persons coming to the house looking for prior property owner. Her children are old enough to stay by themselves and has cameras to see the goings on at the property.

Staff: As the applicant has now stated there are 3 family members the resident count would be reduced to 3.

Board: Burden on the applicant to demonstrate why she meets the waiver requirement and she has not done so. Her attempt was pre-empted by another residence receiving approval and being in place prior to her initiating the process with the City. She failed to establish the use in 2017.

Motion: Z. Shamsi-Basha moves to not recommend approval of PZB 23-00600002 as the applicant has failed to demonstrate sufficient evidence to support the waiver request.

Vote: Ayes all, unanimous. Request denied.

NEW BUSINESS:

- A. Ordinance 2023-11 (PZB 23-02900001):** City-initiated Zoning Map amendment requesting a corrective rezoning to Transit Oriented Development TOD-E for consistency with the City's Future Land Use Map for the parcels located east of I-95, south of 2nd Avenue North, west of North A Street, and north of Lake Worth Road.

Staff: E. Sita reads the Ordinance Title and provides staff analysis and reasoning for the City initiated rezoning. The 2013 Zoning map was not in alignment with the Future Land Use Map. The City does not generally rezone unless an opportunity presents itself or issues arise. Of the fifteen (15) parcels only two (2) will remain non-conforming once rezoned. Accordingly those properties will not be permitted to increase any non-conformity but can remain. The balance of the structures are also over density for what the current MF-20 zoning allows. This corrective action, rezoning to TOD-East, will resolve that issue. With the TOD-East rezoning comes additional benefits for the property owners including the potential to increase their density and height according to the zoning district should they wish to re-develop. Some

infill opportunities exist. Staff reaches out to the neighbors in advance by mailing notices to property owners within the affected area allowing them an opportunity to “opt-out”. In this case none were received. Staff also mailed notices to all property owners within 400 feet from the parcels boundaries. Signs are also visibly posted on parcel boundaries. No comments have been received.

Board Comments: Questions about why not a change to MF-20, how was TOD-E selected? **Response:** It is in agreement with the Future Land Use Map and the parcels are located near to the train station, near to bus stops, near the high school, in addition to providing additional benefits to the property owner. There are two other zoning districts that are ok but not as perfect as TOD-E. Questions about the single family dwellings in the subject area. **Response:** Although they would not be able to expand, they could maintain and repair the structures. Question about why the subject area for rezoning was not expanded to include other blocks. **Response:** Spot zoning is not a City practice. Staff looks to see where there are opportunities to upzone but also considers whether the population is open to the possibility.

Public Comment: Mariano Blanco- GuatemalanMaya Center expressed approval of the proposed rezoning.

Motion: E. LeBlanc moves to recommend of Ordinance 2023-11 of the proposed amendment to the Zoning Map based upon the data and analysis in the staff report and the testimony at the public hearing.

Vote: Ayes all, unanimous.

B. Ordinance 2023-10: Consideration of an ordinance amending the City’s Comprehensive Plan to adopt a new property rights element as required by F.S. 163.3177(6)(i).

Board Attorney reads Ordinance Title 2023-10, an amendment to the City Comprehensive Plan to adopt a Property Rights Element per Florida Statute.

Staff: E. Sita advises the Board the State of Florida (DEO) is requiring the adoption of this element. Adoption of any other amendments to the City’s Comprehensive Plan, including the Future Land Use Map, will not occur until this Element is adopted and added to our Comprehensive Plan.

Board: There are some places in the State that may not observe any private property rights. **Response:** Those are the areas that have not amended their Comprehensive Plan or filed an EAR since 1998 unlike the City of Lake Worth Beach.

Motion: D. Walesky moves to recommend adoption of Ordinance 2023-10 to the City Commission. **Vote:** Ayes all, unanimous.

PLANNING ISSUES: None

PUBLIC COMMENTS (3 minute limit) None

DEPARTMENT REPORTS:

BOARD MEMBER COMMENTS: D. Walesky would like Board to discuss/bring forward the topic of ambiguous language in Code. Geographical areas in zoning districts that grant different heights and densities. Staff disagrees with the interpretation. Bring up topic and see if there is a consensus among Board members to direct staff to bring back more information for consideration.

ADJOURNMENT: 7:11 PM