



**MINUTES  
CITY OF LAKE WORTH BEACH  
PLANNING & ZONING BOARD REGULAR MEETING  
CITY HALL COMMISSION CHAMBER  
WEDNESDAY, APRIL 05, 2023 -- 6:03 PM**

**ROLL CALL and RECORDING OF ABSENCES:** Present were: Juan Contin, Chair; Daniel Walesky, Vice-Chair; Zade Shamsi-Basha; Evelyn Urcuyo; Alexander Cull. Absent: Mark Humm; Edmond LeBlanc. Also present: Abraham Fogel, Senior Community Planner; 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**

**APPROVAL OF MINUTES:**

A. March 1, 2023 Meeting Minutes

**Motion:** D. Walesky moved to approve the March 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.

- 1) Education Foundation - Barton Rd  
Mindful Workspaces - 1819 7th Ave N  
Family Dollar - 2507 North Dixie Hwy

**WITHDRAWALS / POSTPONEMENTS** None

**CONSENT** None

**PUBLIC HEARINGS:**

**BOARD DISCLOSURE** None

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

- A. **PZB Project Number 22-00600001:** Consideration of an alcohol beverage distance waiver to allow package sales of alcoholic beverages at the existing Family Dollar at

2507 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 provides background analysis, displays location of Family Dollar. On June 17, 2020, the Planning & Zoning Board approved a Conditional Use for the single-destination retail use at this location. It was conditioned that a Proximity Alcohol Waiver be required in the event the store decided to offer package sales of alcohol.

The proposed package sales would place the business type within 500 feet of protected land uses (park) and residential uses (College Park and Sunset Ridge) according to the parcel boundaries. However, the location of the Family Dollar store within the parcel would place it at greater than 500 feet travel distance to those protected and residential areas. One other business within Arbor Square Plaza, Don Juan's Pizzeria, offers on-site consumption of beer. Staff recommends approval as it is consistent with the City Comprehensive Plan and Land Development Regulations.

**Agent for the Applicant:** James Balli- Understands the ability to sell is a privilege; explains the training Family Dollar employees undergo in order to sell the package liquor.

**Board:** Question if it is wine and beer only or are spirits included? Response: Beer and wine only. Question if the approval would be attached to the land or business? Response: Business.

**Motion:** D. Walesky moves to recommend approval to the City Commission for PZB 22-00600001 based upon the data and analysis in the staff report and the testimony at the public hearing; J. Contin 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**B. PZB Project Number 23-00500004:** A Blanket Conditional Use request for multiple conditional uses as provided for in LDR Section 23.3-6 for Mindful Workspaces an existing industrial development at 1819 7th Avenue North. The property is zoned Industrial - Park of Commerce (I-POC) and has an Industrial (I) Future Land Use (FLU) designation.

**Staff:** S. Rodriguez provides reasoning for and benefits of a Blanket Conditional use both to the tenant applicant and staff. The proposed uses are for business types that are less than 7,500 square feet and would require an Administrative review by staff or Board review. Approved owner proposed uses would allow the tenant to proceed directly to the Business License application process. This would save valuable staff review time as well as cost benefit for any individual applicant.

Uses that are an allowed use exceeding 7,500 square feet would continue to require Board review as would any vehicular use whether minor or major in scope.

Conditions preclude any outdoor storage or outdoor uses.

**Public Comment:** D.S. Eakins 482 Barnett Lane-The adjoining private road, Rinker Way, is utilized for parking by tenants and businesses of the subject property. States there is no policing of the road, the structure was built for storage, no provisions of restrooms or water. Suggests the applicant should fence the subject property in order to keep businesses and patrons of the businesses from parking on said private property.

Staff advises the City has no authority to patrol or issue citations or tow from private property.

John Flanigan – 401 & 402 Rinker Way states the parking area by the Rinker towers is utilized for parking by the businesses of the subject property.

**Applicant Patrick Carney** – Mindful Workplaces- States the adjoining parcels of 1821 and 1841 7<sup>th</sup> Ave North have recently sold and he is working in conjunction with the new owners to bring the area into greater compliance with Code. He acknowledges that people probably have parked in the unoccupied Rinker parking spots. States he would like to fence his property.

Board members concur that issues mentioned by both public comment parties are of a Civil nature as it involves a private road and private property. Do not believe the proposal should be conditioned to include the installation of a fence by the applicant.

**Motion:** D. Walesky moves to approve PZB 23-00500004 with staff recommended Conditions of Approval based upon the competent substantial evidence provided in the staff report and in the testimony at the public hearing; A. Cull 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**C. PZB Project Number 22-01400032:** A Major Site Plan and Conditional Use request for the establishment of a ±31,962 square foot multiple use educational facility for the Education Foundation with office, meeting (training) rooms and indoor storage uses (greater than 7,500 square feet) by LDR Section 23.3-6 at 1421/1509/1511/1515 Barton Rd. The property is zoned Public (P) and has a Public (P) Future Land Use (FLU) designation.

**Staff:** S. Rodriguez -provides background analysis. Murals, as depicted, will be applied for at a later date.

**Applicant:** James Gavrilos- Education Foundation; Red Apple Supply provides donated resources to teachers. No teacher should have to pay for supplies out of their own pocket average (\$587.00). In addition 17,400 fully stocked backpacks were donated; 84 schools in Palm Beach County are served.

**Motion:** A. Cull moves to approve PZB 22-01400032 with staff recommended Conditions of Approval based upon the competent substantial evidence in the staff report and testimony at the public hearing; Z. Shamsi-Basha 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**PLANNING ISSUES:** E. Sita apprises Board members that the upcoming Florida Statute changes will impact the manner in which items are reviewed with many items that would normally be reviewed by Board being reviewed at staff level. Staff had mechanisms in place that would provide the same level of scrutiny for those items to ensure they meet Code.

Turf Workshop- Board Chair states that artificial turf is much improved in the last 4-5 years. Staff- As it does not drain and have the same permeable qualities as landscape, it may, in the future, be eligible for a 50 % credit toward permeable requirements.

### **PUBLIC COMMENTS** (3 minute limit)

Jean Felix 709 S. Pine Street- garage job- no comments were included. Staff reached out to advise the comment did not go through.

Fritz Themidor -1614 Tropical Drive -has concerns about Australian pine trees on City property near his home. Staff advised the information would be forwarded to the Public Works Department who would work with him to resolve any issues.

Garage job

**DEPARTMENT REPORTS:** None

**BOARD MEMBER COMMENTS:** A. Cull reported to the City Commission, no questions, no back and forth; clean concise report.

**ADJOURNMENT: 7:00 PM**