



**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 2nd.

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 2nd.

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 2nd.

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 6th 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 6th 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 6th 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 2nd.

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 2nd.

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 2nd.

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 2nd 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