



DEPARTMENT FOR COMMUNITY SUSTAINABILITY
Planning Zoning Historic Preservation Division
1900 2ND Avenue North
Lake Worth Beach, FL 33461
561-586-1687

**Minutes
Regular Meeting
City of Lake Worth Beach
Planning & Zoning Board
City Hall Commission Chambers
7 North Dixie Hwy Lake Worth Beach FL**

WEDNESDAY, DECEMBER 04, 2019 6:05 PM

1. Roll Call and Recording of Absences:
Present were: Greg Rice, Chairman; Anthony Marotta, Vice-Chair; Daniel Tanner; Michael Glaser, Laura Starr. **Absent:** Brock Grill, Mark Humm. **Also present:** Alexis Rosenberg, Andrew Meyer- Senior Community Planners; Mark Stivers, Deputy Director Department of Community Sustainability; Pamala Ryan, Board Attorney; Sherie Coale, Board Secretary.
2. **Pledge of Allegiance**
3. Additions/Deletions/Reordering and Approval of the Agenda: None
4. Approval of Minutes:
 - A. Meeting Minutes
Motion: M. Glazer moved to approve November minutes as presented.
Vote: Ayes all, unanimous.
5. Cases:
 - A. Swearing in of Staff and Applicants: Board Secretary swore in those wishing to give testimony.
 - B. Proof of Publication: Provided in meeting packet
 - C. Withdrawals/Postponements: None
 - D. Consent: None
 - E. Public Hearings:
 1. Board Disclosure: None
 - F. Cases-Unfinished Business: None
 - G. Cases-New Business:

1. PZB Project No. 19-01400009: Consideration of a Major Site Plan request by Christi Tuttle and Bradley Miller of Miller Land Planning Inc. for the approval of a two-phased industrial business center at 1939 7th Avenue North

Staff: A. Rosenberg: Presents case findings and analysis. Staff recommends approval subject to the conditions in Attachment B.

Owner Agent: Bradley Miller of Miller Land Planning displays photos of the site with minimal improvements. It would be a sequenced project which has to do with the cell tower. The intent is to utilize the building as a contractor office with associated outdoor storage. The tower renewed a 3-year lease earlier in the year. The outdoor storage would have a fully landscaped perimeter, improving the driveway. Phase II includes the removal of the cell tower and contractor office, dry detention area would be constructed to the south, the building is just under 70,000 square feet. Additional perimeter landscaping and buffering. Circulation includes delivery and larger trucks on the west side, other vehicular traffic to the east. The site meets impervious requirements and is over parked by 10 spaces. The uses are unknown at this point, should one of the tenants want to come in for a conditional use they could do so. The use table is under revision with changes coming soon. Buffers include a 10-foot buffer along 7th Avenue North. Elevations show a contemporary design with signage matching the architecture. A monument sign will match the architecture of the building. In agreement of all conditions but mentions the 10-foot R-O-W dedication, a request that staff has agreed to remove. There is currently a ten (10) foot utility easement accommodating power poles on the property which will remain.

Board: Chairman has questions about proposed uses and timeline for construction? And, to staff what is the intended use by the City for the ROW dedication?

Owner Agent: states it is market driven and there are provisions for the tenant to get out of the lease. It gives time to the owner for the marketing of the building.

Staff: M. Stivers responds the ten (10) foot R-O-W dedication, the intent is for the widening of 7th Ave N to the east and west per the IPOC study. Brian Shields, City Engineer believes it is unneeded at this point as there are currently no plans to widen to the east toward the railroad track. From this property eastward, the R-O-W is not currently owned by the City. Utilities could be encapsulated within an easement in that area.

Board: D. Tanner asks if everything (the building) could be shifted south on the lot allowing that to count as the greenspace?

Owner Agent: Would change the drainage from the south side to the north side. Was only informed of this added R-O-W condition after the Board had received their packets. The drainage area would be reduced. Ten (10) feet seems minimal but it will impact the drainage plan. Understands it was a study but does not have an answer as to how it is being used. Points out the PBC has a thoroughfare map showing future R-O-W's and if the development comes up short in providing the amount indicated, they have the right to ask the developer for the balance.

Board attorney: Reminds staff of the study that was approved by the City Commission. M. Stivers concurs there is a guidance or recommendation within the study to widen the road. Owner Agent states it is the first he is hearing of it.

Board: M. Glaser mentions that Phase I, in theory, could last forever.

Owner Agent: states the outdoor storage would give the owner some cash flow and ability to improve the property while allowing the owner time to market the property and find tenants.

Board: M. Glaser asks of staff to see/ know the IPOC uses on the use table.

D. Tanner asks if the City has the right to require the easement? Staff does not believe the City can require it at this point. D. Tanner asks if there is any incentive for the owner to do so?

Board Attorney: It is better to give willingly rather than at some point in the future have a taking when there is a plan to widen.

Board: D. Tanner wants to know if the site plan can be conditioned to require the construction of the phases within a certain time period or does the approval become void at some point?

Board Attorney and Staff: There is a requirement of one year to receive a permit in addition to a possible extension of 6 months. Staff clarifies that a building permit is the vesting tool.

Owner Agent offers changing the utility easement to a dedication. Staff states there is still a requirement for a twenty (20) foot setback. Staff likes the idea of shifting the building to the south. Owner Agent has concerns with the drainage plan if that is the case. Owner is voluntarily reshaping the ditch to the west. Has concerns with losing square footage within the building. They are volunteering the utility easement to become a dedication. Is concerned that along with these agreements, where does the giving stop?

Staff: displays the use table and mentions that virtually all high-intensity uses would require a conditional use. The future ordinance change, that may be coming, may change the review level in IPOC, body shops, service and repair.

Board: L. Starr- questions who might be the proposed tenants? Owner Agent states it is hard to market until the approval is obtained. Outside storage? What will be stored? Response: One of the partners has a landscape company so it may be an office with the associated trucks or HVAC contractor with fleet trucks.

Staff: If the existing building is being used as an office, the storage would be accessory to the office space. If outdoor storage, with no associated office space, the applicant would have to come back through the conditional use process.

Board: L. Starr would like to know once the building is constructed, if the outdoor storage would continue. D. Tanner- The intent is to match the setback to the west, so that in the future, if and when the road is widened, the new building, will not be setting within 10 feet of the road with significant tractor trailer traffic on the doorstep.

Staff: Brian Shields- 7th Avenue North from Boutwell Rd east to Barnett Drive is scheduled to be widened. The bid was accepted in December as part of the Park of Commerce Phase 1B. This project does not require any additional R-O-W. The future would include a greenway, buffer, path. Board questions if that could that be accommodated within the 10 foot Utility easement? Staff cautions that a new substation will be installed on North side of 7th Ave N along with additional transmission lines.

Board: G. Rice Why did the project come to Board if all the possibilities were not fully explored? Staff states that the client wanted to come forward, but the construction documents are not yet prepared.

Staff: Offer the city an additional 10 feet R-O-W and meet front setback of 20 feet.

Owner Agent: with the exception of the building shift, they were in agreement with the conditions and the utility dedication was included.

Board: G. Rice how large is the radio station building? Response: 1,280 sq ft.

Owner Agent: Many HOA's do not allow parking within, where do they go?

Board: Are there sidewalks along 7th Avenue N? Staff response: No sidewalks currently, only planned on the south side. Question to City Engineer when would that happen? Brian Shields- The dedication of 10 foot would include those sidewalks, lighting, landscape greenery in the future.

Owner Agent asks if the building shift condition could be included under Planning Conditions and read "at Plan Review".

Planning & Zoning condition: The Site Plan shall be modified through the building permit process to accommodate dedication and meet minimum building setbacks as agreed to by applicant.

Owner Agent- the permit process will begin soon due to perimeter landscaping required for the contractor office. Also permitting for the driveway and parking spaces.

Board Attorney: There was a Development of Significant Impact Ordinance passed by the City Commission last night. Order will become effective after 10 days from passage.

Public Comments: none

Board: M. Glaser wants clarification about the expanded size of the building under IPOC permitted uses.

Staff: states currently the uses and the level of review, are based upon square footage. < 2,500; < 7,500.

Board: L. Starr asks how long the lease is for Radio Fiesta, which does not hold a current business license?

Owner Agent: Recently renewed a 3-year lease. The lease includes language that the lease could be terminated.

Board Attorney: Re-iterates if the building is entirely Radio Fiesta, the outdoor storage should be associated with that type of business.

Staff: Any outdoor storage that is not associated with the principal office use would require the Conditional Use process.

Owner Agent: Originally submitted for a Conditional Use, discussion with staff led to the return of the check. Applicant has the check in hand.

Board: D. Tanner asks if this conditional use for outdoor storage can be included with this application? Asks if they have not already met the Conditional Use requirements in this discussion?

Board discussion regarding what the Conditional Use application would encompass.

Staff: M. Stivers, Development Review Official, states there would not be much difference in what would be presented to Board than what was presented tonight. Outdoor storage, as a principal use, is very broad. The ex does not define how many entities can utilize the site.

Board Attorney advises to bring the project back as a separate conditional use. This application is for Site Plan Approval.

Owner Agent: Original application was for site plan and conditional use.

Staff has no problem accepting the Conditional Use tonight. The ordinance timing created some problems, it has taken longer than expected.

Motion: D. Tanner moves to approve PZB 19-01400009- a Major Site Plan and Conditional Use for outdoor storage as a principal permitted use including all staff recommendations and the shifting building to the south and a 10 foot R-O-W dedication prior to building permits, with order not taking effect until December 13, 2019; A. Marotta 2nd.

Vote: Ayes all, unanimous.

6. Planning Issues: None
7. Public Comments (3 minute limit): None
8. Departmental Reports: None
9. Board Member Comments: None
10. Adjournment: 7:45 PM

Submitted By:

Sherie Coale, Board Secretary

Minutes Approved:
