



**MINUTES
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, MAY 05, 2021 -- 6:01 PM**

ROLL CALL and RECORDING OF ABSENCES: Present were: Anthony Marotta, Vice-Chair (remote); Mark Humm; Laura Starr, Juan Contin, Robert Lepa (joining at 6:06 pm). Absent: Daniel Tanner, Greg Rice, Chairman. Also present were: Alexis Rosenberg, Senior Community Planner; Andrew Meyer, Senior Community Planner; Erin Sita, Assistant Director for Community Sustainability; Susan Garrett, Board Attorney; William Waters, Director for Community Sustainability; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE: Led by Juan Contin.

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

A. April 7, 2021 Regular Meeting Minutes

Motion: M. Humm moved to approve the minutes as presented; J. Contin 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) L38406-Deco Green
- L38409-Lake Worth Apts.
- L38408-1831 N. Palmway
- L38407-Boutwell Rd Apts.

WITHDRAWALS / POSTPONEMENTS: None

CONSENT:None

PUBLIC HEARINGS:

BOARD DISCLOSURE: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

- A. PZB # 21-01500003 - A Request by Wes Blackman, AICP of CWB Associates on behalf of David and Jennifer Hamel for consideration of a Variance to the minimum required side setback for a residential shed at 1831 North Palmway within the Single-Family Residential (SFR) zoning district.

Staff: A. Rosenberg provides case findings and analysis. A variance for a reduction in the required side setback. The variance requested is five (5) feet. The applicant applied for a building permit to replace an existing shed and was disapproved due to failure to meet the ten (10) foot setback. The new shed is proposed to be 240 square feet (twice the size of the existing shed) and would encroach on the pool deck if required to meet the setback. Approval of the variance request would allow the shed to remain off the pool deck. As the current, deteriorated shed (accessory structure) exists as a non-conforming structure, a new shed should not continue or perpetuate the non-conforming setback, rather it should meet current code. Regarding the variance criteria, there are no special circumstances or peculiarities regarding the lot. The 100-foot lot is comprised of 2 fifty-foot lots which could be split in the future (in which case the shed placement would then meet the five (5) foot setback). Staff does not consider the double lot to be a special circumstance. Staff does not recommend approval.

Agent for the Applicant: Wes Blackman, CWB Associates – The original garage was demolished. The northern side of the home has always been the main point of entry as evidenced by the porte-cochere. Regarding the variance criteria: disagrees with staff assessment that a double lot is not a special lot as the immediate area is lacking in double-lots. It may be correct to say that within the City, but not in the immediate vicinity. In the general area those with smaller lots have five (5) foot side setbacks. Several years ago, circa 2018, the standard lot width increased to 50-foot in width. States the lot cannot be split due to location of the house on the lot.

Board: J. Contin- That staff states 3 of the 4 criteria are not being met is significant. L. Starr- what building code does a shed have to meet? **Staff response:** It will go through building review at time of permit. The Florida Building code is applicable in this case with wind load calculations. Do the neighbors have anything to say? **Staff response:** The letters of support will be read. Is there running water? **Applicant Response:** No power, no water, there will be windows to mimic the house as will the roofline.

Property Owner: D. Hamel points out the immediate neighbors who have supported the shed placement. It is not visible, obscured by a six (6) foot privacy fence, mature coconut palms and the porte-cochere. The roofline of the porte-cochere will block the view. It is an 8 x 25 foot shed plus the roof; it is an engineered, site built shed, not a fabricated store bought shed. He is a residential contractor since 1991 and third generation carpenter.

Board: A. Marotta does not see the placement of a new shed on a double wide lot as being more injurious to the neighbors as opposed to being a single lot. J. Contin – It's not a habitable structure, it is just an expansion of the size. R. Lepa- As the proposed shed has doubled in size, where will the water runoff go? **Applicant response:** gutters could be installed.

Public Comment: Board Secretary read into the record the five comments from property owners within 400 feet of the subject parcel including:

John & Jennifer Rachell - 1828 N Ocean Breeze – no issues with the approval.

Gretchen & Brian Gong – 123 Wellesley Drive – support the proposal.

Loren B. Coleman – 136 Wellesley Drive – support the proposal.

Eleanore Schenck – 1831 N. Palmway – support the proposal.

Sharon Callaro – 1820 N. Palmway – no issue with the approval

The following comments from owners outside the 400-foot radius were read into the record:

Brian Luongo – 1327 N. Palmway – supports the proposal

Joe Towslee – 213 Vanderbilt Dr. – no issues with the approval

Erin Allen – 208 S. Lakeside – supports the proposal.

Motion: B. Lepa moves to approve PZB 21-0150003 with staff recommended conditions, the variance application criteria based on the data and analysis in the staff report. L. Starr 2nd.

Vote: Roll call vote - ayes all, unanimous.

- B. PZB # 21-00900001 - A request by Patricia Ramudo, PE of IBI Group on behalf of Ricardo Hernandez of OAG Investment 5 LLC for consideration of a Mixed Use Urban Planned Development, Development of Significant Impact, Major Site Plan, Conditional Use, Sustainable Bonus Incentive Program, and Transfer of Development Incentive Program to allow for the construction of a 126-unit mixed use development commonly known as “Deco Green” at 1715 North Dixie Highway within the Mixed-Use Dixie Highway (MU-DH) zoning district. The subject property’s PCN is 38-43-44-16-06-014-0010.

Staff: A. Meyer present case findings and analysis. The proposal includes a 127-unit multi-family development. The site will be comprised of three buildings with heights up to seven floors with ground level parking with rooftop terraces, commercial activity on the lower level, a plaza, a dog park. The Sustainable Bonus and Transfer of Development rights allow for added density and height. As a Planned Development the relaxation of certain code regulations, such as impermeable surface coverage, are allowed in order to promote innovative design and development solutions. Parking surfaces located outside the building footprint will be semi-pervious pavers and exfiltration (as per SFWMD) will provide above the minimum water quality treatment required. As it is found to be in compliance with the City Comprehensive Plan, Strategic Plan, Major Thoroughfare Design Guidelines and Land Development Regulations, approval by the Board is recommended.

Agents for the Applicant: Patricia Ramudo, PE of IBI Group and Ricardo Hernandez-CEO of OAG Investment 5 LLC.

Andres Montero-Landscape Architect - there is a big outdoor space with open lawn/space. The public, communal space is bordered by extensive landscaping with a dog park, playground and seating areas, bike racks and outdoor lighting, mural. The public and private amenities are designed to encourage residents and the public to enjoy the outdoors. The landscape material was carefully selected to help soften the view of the structures from the street and surrounding properties. Provides for revitalization of the area with commercial/office/retail space, open space, playground, art throughout the property, residential units, and dog park.

Annabella Garcia- architect for Deco Green- Pedestrian friendly access was a primary consideration, was inspired by the Art Deco Bauhaus movement and that the City of Lake Worth Beach is where tranquility meets creativity. The plaza is a very important part of the design. The ground floor retail is exposed to the plaza rather than Dixie highway. The two smaller buildings will incorporate 1 & 2 bedroom townhome lofts. Two murals will also be on those structures facing Dixie Hwy. Building number 2 will have the residential amenities (loungeroom, small business center, exercise room) as well as three (3) bedroom corner units. The ground floor is the parking. The mailroom and elevator will be secure areas within the lobby.

Reinaldo Padron - The tenant mix may include yoga studio, art galleria, pet store, deli, bakery, ice cream shop, juice bar and a coffee shop. It is designed to honor the artists who have defined Lake Worth Beach. The investment is valued at 31 million. Discussion of public benefits.

Patricia Ramudo - Utilizing the Sustainable Bonus Incentive Program the total on and off site incentive provided is \$864K.

Board: A. Marotta inquires if this project and the SBIP is now subject to the moratorium?

Response: No, this project was under review at the time of the zoning in progress was instituted.

R. Lepa has questions about the semi-pervious pavers. **Response:** It is a sustainable feature and is not added to the SBIP credit. It is pervious concrete and will be used on the parking surfaces to the north, south and west perimeter parking. Beneath the building footprint of Building 2, it must be concrete. It is more expensive but aids in the drainage. There is some tandem parking for residents with multiple cars. M. Humm asks if there are other similar projects this company has completed. **Applicant response,** Ricardo Hernandez, yes in Orlando and in Miami. The building in Orlando is similar without the Plaza. M. Humm queries if they are planning to sell after approval or would they own and operate? Where would the extra parking be for non-residents?

Response: Some is dedicated to the retail operations, people are encouraged to walk, use bikes, scooters in addition to the on-street parking. What is the anticipated rent? **Response:** It will be market rate. 1 bedroom@ \$1,500 2- bedrooms \$1,800 and 3 bedrooms \$2,000 and adjusted for inflation when opening. Will there be property management by a third party? **Response:** Avanti, one of the partners will be taking that role, it is in-house. Live on-site?

Response: The property manager and leasing agent will be on site usually from 9-5. The property manager and leasing agent should be local. J. Contin asks about the impact fees and the distribution between the county and city. Relationship of parking to unit mix? At night the retail will be vacant during the day the parking can be for the public. A bus station stop is provided as the intent is to have young families with young children. What TDR rights were utilized? **Staff Response:** They are being bought from the City at \$10.00 per foot. It allowed them to go 7 floors and added 10 % density.

L. Starr- Is the CRA the property owner? **Response:** Went through an RFP, signed a contract for purchase and development agreement.

Once the project is approved they will have 2 years to deliver the building. The cost of the property was 2.49 million. Are they paying the City anything? SBIP are paid by developer to the project. **Staff:** Total cost of the TDR is \$246,720 required to be paid to the city into an infrastructure trust fund. It can be requested to be waived but it seems the city is not open to waiving at this time. The City does not charge impact fees, only the county. The City requires water/sewer capacity fees. L. Starr- how many commercial tenants? Up to 16, are there assigned spaces? Yes, the tandem parking spots will be assigned to the 3-bedroom units. Prefer families to be in the 3-bedroom units as opposed to students as there are family amenities on site. The on-street parking cannot be restricted, it is open to the public. L. Starr asks about signage. **Response:** The majority of the signage will be on the retail spaces, and it can be restricted by the yet to be submitted sign program. M. Humm-will there be wayfinding signage? Yes, no signage on Bldgs 1 and 3. L Starr- will there be any sandwich board signs? **Staff:** They are prohibited by code. A. Marotta- there are eight (8) parking spaces over what is required by code, and there could be more density by right. Would Board be approving the murals? **Staff:** LULA would find the artist(s) and supervise the installation but they could come back before the Board is so desired.

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L. Starr- asks for explanation of what items the commission is concerned about and would be disallowed after the SBIP zoning in progress proceeds. W. Waters explains half of the funds would be deposited into a trust fund, similar to the TDR fund. On site and passive amenities such as dog parks, tot lots unless built off-site would not count toward the Sustainable Bonus

credit. J. Contin – Will there be security measures in and around the plaza? beyond PBSO, in place such as cameras? **Response:** A consultant has not yet been brought on board. With the orientation of the retail spaces toward the plaza there will be many eyes on the scene. **Staff:** The sheriff's office will assist with CPTED. M. Humm asks if shade trees around the plaza would not be better than palms? Andres Montero states they will look at that suggestion. The seating areas are surrounded by canopy trees. Annabella Garcia states the area with the palms is where events will be held. L. Starr- where is the refuse area located? **Response:** On the west side of Buildings 3 & 1, for Building #2 on the SW side at the parking level. Are there palms on the rooftop terraces? The 7th floor is not all units, it is terraces, floors 4 and higher afford a view of the intracoastal and ocean; Buildings 1&3 also have rooftop terraces.

Public Comment: Nelson Moscoso is concerned with the height of 6 floors.

Motion: B. Lepa moves to recommend approval of PZB 21-00900001 to the City Commission with staff recommended Conditions of Approval, with an added condition the west parking spots having permeable concrete. The project meets the criteria based upon the data and analysis found in the staff report M. Humm 2nd.

J. Contin would like the motion amended to read "127 not 126" units.

Motion amended by B. Lepa and 2nd by M. Humm to include the correction of the number of units to 127, not 126.

Vote: Roll call votes 4/1 L. Starr dissenting. Motion carries.

- C. PZB # 21-01400002 - A request by WGI, an engineering and land development firm, on behalf of MA Investment Boca, LLC for consideration of a Residential Urban Planned Development, Development of Significant Impact, Major Site Plan, Conditional Use Permit, Transfer of Development Rights, and Sustainable Bonus Incentive Program to allow the construction of 200-unit multi-family development at 3300 Boutwell Road, within the Mixed Use – West (MU-W) zoning district

Staff: A. Rosenberg presents case findings and analysis. The project will consist of two (2) five-story buildings including a clubhouse and mailroom with 200 multifamily units.

Agent for the Applicant: Yoan Machado displays a powerpoint presentation with additional detail. Mentions the previous approval, still vested, was one building but now the mass has been separated in two buildings. It was also lacking in aesthetics, greenspace and amenities with 2 access points on Boutwell Road. That approval did not avail itself to the sustainable bonus incentive program (SBIP) There will be a bus shelter provided on-site as well as a ride share drop-off area. Request for a side setback reduction for the northern boundary from 20 feet to 11 feet.

Board: M. Humm asks what the financial benefit will be to the City? **Response:** Yoan Machado- 600K in real estate taxes. They will be market rate with approximately \$1250.00 for 1 bedroom and \$1750.00 for 2 bedrooms, there are no 3-bedroom units. J. Contin commends the waste disposal portion of the site plan stating if trash pickup can happen here, it can happen anywhere; inquires about the traffic study, Yoan Machado states as the previous approval (200 units) and trips are vested, along with the unit mix (121 units) will create a less than 1% impact on Boutwell Road. Juan Ortega of JFO Group Inc. states the project is within the TCEA-traffic concurrency exception area with peak area trips of 54 in the afternoon. The study was based upon 200 units. Is there a retention pond in the back? Yes, with an observation deck.

Parking: 320 spaces are required according to code; the study shows 262 parking are necessary. 293 are being provided only 26 will be exchange of spaces. The site will be deficient by 27 spaces according to code.

Staff: In keeping with the Urban Planned Development, which enables the relaxation of some codes, the applicant has provided a traffic study allowing for 264 parking spaces (up to 25% of the parking can be alternative parking solutions).

Board: Regarding the Sustainable Bonus- What is the total dollar value? **Response:** Page 15 of the staff report shows the amounts provided for Sustainable Bonus Incentive Program and Transfer of Development Rights.

Additional questions regarding acceptability of the traffic study. As there is no on street parking, any deficiency will be impact the marketability of the units. **Staff:** Boutwell Road improvements and 10th Avenue North improvements should be initiated in the fall of 2021.

Motion: J. Contin moves to approve PZB 21-0140002 with staff recommended conditions. The project meets the criteria based upon the data and analysis found in the staff report. 2nd Bob Lepa.

Vote: 3/2 M. Humm and L. Starr dissenting. Motion carries.

- D. PZB # 21-01400039: A request by Mark Hunley of Charette International Architecture on behalf of 1212 Tenth Ave North LLC for consideration of a Residential Urban Planned Development, Major Site Plan, Conditional Use Permit, and Right of Way Abandonment to allow the construction of a two-building residential project consisting of 24 multi-family units on 10th Avenue North, between North E Street and North F Street, within the Mixed Use – East (MU-E) zoning district, PCN #s 38-43-44-21-15-318-0010, 38-43-44-21-15-318-0140, 38-43-44-21-15-318-0150, 38-43-44-21-15-318-0160.

Staff: A. Meyer presents case findings and analysis. Proposal is for 24 multi-family units in two (2) buildings and includes a request for an alley abandonment bisecting the three (3) parcels.

Applicant presentation by Mark Hunley-the alley was primarily used for the access to electric utilities which will now be funded by the applicant for re-location underground. Continued access was requested and accommodated via curb cuts on the northern boundary. Comprised of one and two bedroom units and efficiency units. The Major Thoroughfare Design Guidelines adherence is evident with the large amount of glazing facing 10th Avenue North.

Board: J. Contin has concerns with the stairways to the second level, the stairs look tacked on and could be more robust. Possibly with bike racks behind it for storage. **Staff response:** It may have been as a result of CPTED comments, for more visibility. **Applicant:** It does make it clear to police and fire where to go in the event of an emergency. M. Humm questions the access to the efficiency unit. What are the rent rates for the unit? **Applicant:** Eric Schwimmer \$1050 for the efficiency, \$1250 for the 1 bedroom and \$1450 for the 2 bedroom units. Not in competition with the larger projects as there are no amenities. Looks to the transitional neighborhoods to provide improvements. R. Lepa asks about the parking. **Staff:** There is concern on the part of the engineer for the City, a waiver is requested for the two northerly on-street parking spots. Sight visibility upon exiting the parking area could be impeded and there is suggestion those two spaces should be eliminated. L. Starr- inquires about the CRA parcel that is ten feet in width and the alley abandonment. **Staff response:** The small parcel was gifted to the CRA from the City during the 10th Avenue re-do. Regarding the alley abandonment, that will go to the property owner. Are there any other projects the applicant has built? **Response from Mr. Schwimmer:** Yes, several mixed-use projects and multifamily units; he did not go through an RFP for this

project, is using Northstar Construction as he is not yet confident with the windstorm portion of contracting at this time. He is a licensed general contractor in New York and is currently studying for his Florida licensure. Enjoys smaller projects and affordable/workforce housing, not Section 8, just a nicer home for a modern day worker and one they can afford. Transitional community being defined as an area moving from lower end to a mid-market community. Lake Worth Beach is changing and being bettered. Believes the total tax generated would be \$80-\$90K. He will manage the properties himself with his own team. **Staff:** The Sustainable Bonus will be paid to the Trust Account in the amount of \$21,600 to allow for the three (3) extra units. The two (2) spots on-street will be striped to disallow the parking at those locations.

Public Comment: Nelson Moscoso-Compliments the looks of the structure but is irate with the traffic in the area, states currently only one car can pass at a time. Why take away the parking when there isn't enough parking as it already is? and there is too much parking on the street, each side with visibility issues. His house is behind the parking lot. Going to have noise, and lights. Heard something about impact windows, wants restitution of some type.

Eric Schwimmer: Recollects that they spoke on the phone regarding the windows recalling he told Mr. Moscoso to select his own window vendor, provide the proposal and a check would be issued to cover the costs. He doesn't know about the experience in the evening when people are not at work, and lastly the project could have gone to three (3) story's. Mr. Moscoso is upset with the parking situation, stating neighbors have 5 cars parked in the street at all times.

James Ludwig -1109 North E Street was also opposed to the project as the area doesn't need any additional traffic or foot traffic.

Board: J. Contin- It's right to re-develop as there appears to be blight in the area especially coming off of I-95 in the major thoroughfare area; understands the parking and traffic issues. L. Starr agrees with those sentiments but that additional units should be eliminated to ease the lack of parking. It makes it difficult, if not impossible for trash pickup. Developers need to follow the code regarding parking. A. Marotta asks for explanation in the difference between a permitted by right and Conditional Use parking. **Staff:** The waiver was to make the site lines available, the project does meet parking code. Board may opt to retain the two (2) on street parking spaces and disregard the request for waiver if they so choose.

Motion: J. Contin moves to approve PZB 21-01400039 with staff recommended conditions. The project meets the applicable criteria based on the data and analysis in the staff report. Add a requirement that there shall be an architectural adjustment of the staircase creating a more solid and fluid appearance; remove staff recommendation of relaxing Section 23.4-10 (removal of 2 on-street parking spaces); R. Lepa 2nd.

Vote: Roll call vote 4/1, L. Starr dissenting. Motion carries.

PLANNING ISSUES: The Sustainable Bonus Incentive Program has been given a status of zoning in progress while several items are being considered. Items/amenities not accessible to the general public will no longer be eligible for inclusion in the program unless provided offsite. Two such items are tot lots and dog parks. The Gulfstream is still on track. Community Sustainability may possibly be opening to the public on a limited basis, by appointment only. Staff efficiency has improved with more online functions, volume is up and the majority of clients are pleased with the process especially with document sharing. Online bill pay is continuing to be developed.

PUBLIC COMMENTS (3 minute limit) None

DEPARTMENT REPORTS: None

BOARD MEMBER COMMENTS: Juan Contin thanks the Director for the installation of Bluebeam. W. Waters mentions the development in the City is busier now than the last 10.5 years which bodes well for the City. Robert Lepa bids farewell from the Board after residing in the City since 1985.

ADJOURNMENT: 10:04 pm