



MINUTES
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, JUNE 01, 2022 -- 6:06 PM

ROLL CALL and RECORDING OF ABSENCES: Present were: Greg Rice, Chairman; Anthony Marotta, Vice-Chair; Mark Humm; Laura Starr; Edmund LeBlanc; Juan Contin. Absent: Zade Shamsi-Basha. Also present were: Scott Rodriguez, Principal Planner; Erin Sita, Assistant Director for Community Sustainability; William Waters, Director for Community Sustainability; Elizabeth Lenihan, Board Attorney; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE: Led by Mark Humm.

ADDITIONS / DELETIONS / RE-ORDERING AND APPROVAL OF THE AGENDA None

APPROVAL OF MINUTES: None

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

WITHDRAWALS / POSTPONEMENTS None

CONSENT None

PUBLIC HEARINGS:

BOARD DISCLOSURE: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

A. PZB Project Number 21-00500010: A Major Site Plan and a Conditional Use Permit request for the construction of eight-unit townhouses (townhouse complex) at 1719-1737 North Federal Highway within the Mixed Use – Federal Highway (MU-FH) zoning district.

Application to be continued to June 15, 2022

Motion: A. Marotta moves to continue PZB 21-00500010 to June 15, 2022; 2nd M. Humm.

Vote: Ayes all, unanimous.

B. PZB Project Number 21-01400018: (Ordinance 2022 – 08): A planned development, major site plan, conditional use permit and sustainable bonus requests for Detroit St/ Buffalo St at 7 Detroit Street and 26 Buffalo Street to construct an approximately 36-story,

60-unit multi-family mid-rise residential structure. The sustainable bonus request is for an additional 6 feet (1- story) of height. The property is zoned Mixed-Use West (MU-W).

Application to be continued to June 15, 2022

Motion: A. Marotta moves to continue PZB 21-01400018 (Ordinance 2022-08) to June 15, 2022; 2nd M. Humm.

Vote: Ayes all, unanimous.

C. PZB Project Number 22-00500002: Consideration of a Conditional Use Permit request to establish an aquaculture/hydroponic farming use in the Industrial Park of Commerce (I-POC) zoning district at 1909 7th Court North. The request is to establish the proposed use within the current 10,284 square foot industrial building.

Staff: S. Rodriguez presents case findings and analysis. Dedicated parking spaces on the north side of the bay. Landscaping will be conditioned to replace dead materials where needed.

Agent for the applicant: Chuck Millar, Senior Project Manager of Atwell accompanied by the applicant Eric Wong. The business is licensed through various State agencies and accepting of Conditions of Approval.

Board: J. Contin asks what is being grown? **Response:** Commercial Hemp.

Applicant: Seeds are acquired through various approved vendors, inspected when seeding. It is a hydroponic system. Cannabis Sativa is the species and there are chains of custody for the handling. Several labs are used for testing regarding the tolerance of under 0.3. Those results are provided to the State of Florida Dept of Agriculture. Once the plants reach @ 36 inches in height, they are sold to other wholesale farmers. It saves 3 months off the growing cycle.

Staff: The Conditions of Approval state that retail is prohibited as is outdoor storage.

Board: How will this help the City tax base? how many employees will be city residents? When did the business begin operating? Is City water being utilized and how is wastewater handled? **Response:** Began in December 2020. The wastewater will go to the City sewer with no pesticides or insecticides. The plants are treated with citrus oils and peppermint and salt based fertilizers. Is this the only location for the applicant's business? **Response:** No, a smaller unit is located in Lake Park.

Staff: If in the future the applicant decides to move to Phase II of the business model and retain the plants for finishing, the project would be required to come back before Board for that approval. The City LDR's make no distinction in product type. It is a licensed agricultural product being grown hydroponically.

Public Comment: None

Motion: A. Marotta moves to approve PZB 22-00500002 with staff recommended Conditions of Approval based upon competent substantial evidence provided in the staff report and testimony given at the hearing; E. LeBlanc 2nd.

Vote: 5/1 motion passes, L. Starr dissenting.

D. Ordinance 2022-11: Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 2 “Administration,” Division 3 “Permits,” Section 23.2-31 related to “Site Design Qualitative Standards.”

Board Attorney: Reading of Title of Ordinance 2022-11

Staff: William Waters- at direction of City Commission since March 2021. Quality of Architecture being seen in the City and higher performance standard of Sustainability requiring buildings to exceed industry standards. This would require an additional staff person or the outside utilization of a consultant to review the proposed building standards. It will add a level of complexity to reviews.

Board: Questions regarding how much money is set aside for this additional workload? **None.** How many architects are currently on the City Commission? **None.** How many position vacancies are there in the Dept of Community Sustainability? **Response:** 2 Building vacancies, 1 Planning & Zoning position, Code Compliance has five vacant positions. Where did the percentages come from? **Response:** The pro-forma will be verified. The cost of the development will increase in the City. There is no other city in Florida that requires baseline of environment, social justice be addressed in the course of the project review and approval. If the standard is vague, how would one comply with the requirement? Example: An awareness that everyone/anyone is able to experience and learn from the project. What types of projects will be subject to the Ordinance? **Response:** 7,500 square feet and greater.

Motion: A. Marotta moves to recommend adoption of Ordinance 2022-11 to the City Commission with revision to Paragraph 16 striking all developments; including only Major Site Plans, revisions only and above with more specifics on how it would be objectively and fairly evaluated; J. Contin 2nd.

Additional discussion regarding the possible difficulties in evaluating and determining compliance with this amendment. There will be more reliance on the Board to challenge the developer. Board members thought that predictability through code was a good thing in that developers did not have to resubmit multiple times. Some developers do focus on this type of development.

Public Comment: None

Vote: 5/1 motion passes, L. Starr dissenting.

Board member J. Contin departs, quorum maintained.

E. Ordinance 2022-13: Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 1 “General Provisions,” Division 2 “Definitions,” Section 23.1-12 “Definitions,” adding a new definition “Micro-unit;” and Article 4 “Development Standards,” adding a new Section 23.4-25 “Micro-units,” providing for development standards for micro-units.

Staff: William Waters- Micro-units have been around for a time. It is a way to help address the housing crisis in Palm Beach County. They would only be allowed in Mixed-Use Districts, along major thoroughfares due to a modicum of personal service and commercial components. Ranging from 257 square feet with no more than two (2) bedrooms, a kitchen and bathroom. There are shared common areas. There is a minimum of 20 units required, reduction in parking, mixture of uses-i.e. library, virtual office space, game room, commissary kitchen. One could mix micro-units with regular units.

Board: How is it different from an apartment? **Response:** It is similar but shared common space is required. Because of the reduced size, the cost should be less. The marketplace would determine the rates. The current minimum standard size is 400 square feet for one bedroom, 600 square foot two bedroom; 3 bedroom approximately 1,000 square feet. The historic district has some very small homes with small square footages below those minimums.

Public Comment: None

Motion: A Marotta moves to recommend approval of Ordinance 2022-13 to the City Commission; E. LeBlanc 2nd.

Vote: 4/1 motion passes; L. Starr dissenting.

F. Ordinance 2022-12: Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 1 “General Provisions,” Division 2 “Definitions,” Section 23.1-12 “Definitions,” adding new definitions “Annual Gross Household Income,” “Gross Rent,” and “Overall Housing Expense;” and Article 2 “Administration,” Division 3 “Permits,” adding a new Section 23.2-39 “Affordable/Workforce Housing Program.”

Staff: William Waters-Provides housing for people who already live in the City and don’t qualify for low-income housing. Median household income in LWB is less than \$40K for a family of four. Need for quality housing. Even city staff cannot find a middle price point place to live.

Board: Is there an attempt to spread out the disproportionate amount of affordable housing options throughout Palm Beach County? The City is now giving incentives for that. How does the City benefit financially from the program? The City does not have money for that but the density bonus exists.

Motion: A. Marotta moves to recommend approval of **Ordinance 2022-12** to the City Commission; E. LeBlanc 2nd.

Vote: Ayes all, unanimous.

PLANNING ISSUES:

A. Annual Organizational Meeting & Election of the Chair & Vice-Chair

The organizational meeting is deferred to the next meeting to be held on June 15, 2022.

PUBLIC COMMENTS (3 minute limit)

DEPARTMENT REPORTS: Detroit Street and Solimar are the upcoming projects for the next Board meeting. The Residences of Lake Worth Beach, East Coast Station, The Perch and a revision to the Village Flats are also upcoming agenda items.

Please file the annual ethics training with Silvina as well as the financial disclosure form due to PBC Supervisor of Elections.

BOARD MEMBER COMMENTS:

ADJOURNMENT: 9:00 PM