



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

**Agenda  
Regular Meeting  
City of Lake Worth  
Planning & Zoning Board  
City Hall Commission Room  
7 North Dixie Hwy; Lake Worth, FL**

**WEDNESDAY, OCTOBER 02, 2019 6:00 PM**

1. Roll Call and Recording of Absences: Present were: Greg Rice, Chairman; Anthony Marotta, Vice-Chair; Mark Humm, Daniel Tanner, Laura Starr, Brock Grill. Absent: Michael Glaser. Also present were: Alexis Rosenberg, Neighborhood Planner; Andrew Meyer, Senior Community Planner; Mark Stivers, Deputy Director for 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. August Regular Meeting Minutes
  - B. July Regular Meeting Minutes

**Motion:** M. Humm moves to approve the August 2019 and July 2019 Regular meeting minutes as presented, A. Marotta 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

5. Cases:
  - A. Swearing in of Staff and Applicants: Board Secretary administered oath to 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:

1. PZB Project No. 19-00500004: Consideration of a request by Martin Arias of Kadassa Inc. for the approval of a Conditional Use Permit for a medium-intensity "fabrication services excluding retail display and sales" use at 1812 Aragon Avenue

**Staff:** A. Rosenberg presents case findings and staff analysis. Recap of the facts of the case based on the last meeting, more details are now available. Building permits are now part of the staff report. Originally constructed in 1978, there were 2 buildings. In 1981 there was a permit for an addition which connected building A & B. In 2010 there was a remodel for unit A, which then housed a bakery until approximately 2017. Kadassa now occupies that space. The active business contractor license (unit A) is for the approximate 800 square foot portion of the building, he does not work for Kadassa.

The waste container is a roll-off and is not regulated as a City dumpster. Site photos show wet curtains installed since last meeting as well as the slats in the fence. Additional vinyl screening in rear of property. A site visit and resultant photos show dust/sand debris along the street some of which may be coming from a building/property to the south. Parking-Public Services confirmed the street is owned by FDOT, who took possession @ 50 years ago and it remains with FDOT. As such the prevailing regulation is unless there are "No Parking" signs, parking would be allowed.

**Board Attorney:** As a continuation of the case from the previous meeting (August), the process is quasi-judicial, public comment was previously taken and that action was technically closed. Board asked staff to bring additional information regarding various aspects of the business and property, which they did. If the Board re-opens and starts the process over, all parties will be able to speak again including the public, affected parties as well as the applicant.

**Board:** G. Rice asks of staff: if they are currently operating? **Response:** yes. Do they have a business license? **Response:** No, they applied and were denied due to the need for a Conditional Use permit. Would the demolition dumpster be screened? Staff has proposed additional conditions (over and above those previously proposed). Staff reads additional conditions which include a 60-day limit to pay all fees. There are ten (10) additional conditions. Chairman clarifies that Board can modify, add, delete and change conditions.

D. Tanner- asks if the current location of the dumpster is acceptable? Staff indicates it is acceptable and not in the R-O-W. L. Starr requests additional information regarding the roll-off container vs. a dumpster and how it could be screened. Does not see screening on the gates. Staff verified the screening was installed on or about 8/7/2019. Staff explains the roll-off is provided by Solid Waste Management whereas a dumpster would be provided by city services; additional shrubs or trees could added to the site at that location but it would still be open on one side, not fully screened. Per code, permanent roll-offs can be located in the R-O-W (right of way); in this case the owner has chosen to keep the roll-off within their property lines. B. Grill has concerns about the business license and what assurances are there that fines will be paid?

M. Stivers states it is an open code compliance case and fees must paid in order to obtain the business license. B. Grill would like the fines to be paid before coming to the Board. They have had ample opportunity to pay the fees in the last two months. M. Humm questions why the applicant would pay the fees if a possibility exists that the Board would deny the project?

**Board Attorney:** Reminds Chair he has the option for allowing additional comment from the applicant, affected parties and the public since there is additional information available. In light of the additional information made available and persons present in the audience who may have interest, chairman allows additional comment from the public, affected parties and applicant.

**Applicant:** Jason Bono- feels he has done everything in good faith. All code issues have been resolved with the exception of this conditional use case. Will screen the dumpster and wants to be in harmonious concert with the neighboring businesses.

**Board:** L. Starr- how frequently does roll-off get picked up? **Applicant:** 1 time per month. As it is expensive, they try to get it filled before calling for pick-up. Occasionally overflowed by others. It is not a scheduled pick-up.

**Board Attorney:** Received communication from an affected party who requested additional time to speak.

**Affected Party Attorney:** Jason Mankoff of Ciklin Lubitz- representing Daniel Hiatt and Frederick Schmidt who jointly own 22,000 square feet and have eight (8) tenants. Requests denial. Applicant is responsible for meeting the burden of proof and fails to do so in the application. Mentions the application for business license was denied in 2017. Attorney presents and explains the photos from a site visit on Friday prior. The photos depict dust, parking issues, wet curtains that do not reduce the impact, dumpster, open gates, why is this the only lot that allows a roll-off for construction debris? It is high impact. This is a public dumping area, people know about the roll-off and take advantage of the availability. Parking spots are inaccessible and not available for parking as trucks back up into the area. There is a retail element to the operation and it unknown whether a wholesale element exists. A tenant auto upholsterer has to detail the cars he has worked on and is generally unable to keep overhead doors open. The site is not in harmony, nor compatible per the City Code. Points out perceived possible violations to the code i.e. runoff to storm water drain. Mentions that 'the staff report indicates "they have generally met" the substantial evidence requirement'.

**Board:** L. Starr: inquires as to when the Attorney was there? **Response:** Monday. A. Marotta has concerns about the relationship, previously alluded to, with a fabrication shop across the street with unresolved code issues. Defers response until later. B. Grill: asks who the attorney is representing? **Response:** Only the 2 clients with their longstanding tenants.

**Mr. Mankoff questions his clients:** Frederick Schmidt has owned the property for over 20 years and periodically visits the site, 1 or 2 times per week. The gate is generally open. Regarding the other fabrication company? They tried to get them to mitigate the dust. Is there a possible relationship between the two businesses? Not familiar with that.

Daniel Hiatt- visits the property daily as managing partner of the property with a property on each side of street. The gate is usually open and they have many suppliers and end users picking up product. Regarding the other fabrication company, due east of southern building, there was a constant battle. His tenants include: window tinting, engineering, junk king, high tech stereo and auto upholstery. The fabrication people on the south side finally left.

Why do you believe there is a relationship between the subject business and the property to the south? The owner of the property was one of the largest suppliers of slab Jaifa granite, Benny Installations was the name of the business. All the sub-contractors, suppliers and employees go back and forth, he sees the same people that were seen at the defunct business.

**Staff** asks questions of Attorney, D. Hiatt, and F. Schmidt.

M. Stivers states he has not heard or seen, as was mentioned, of any direct proof of a business relationship with prior tenant on the south side of the street. Attorney stated he would provide proof. Is that just a statement that was made?

**Affected Party Attorney** states there is no proof, but the intent is that his clients have had four years of dealing with a similar situation across the street and now there is the subject business without a license.

M. Stivers then reiterates that no proof can be shown that a relationship exists between the two businesses. No statement of any kind can be made connecting the two businesses.

D. Hiatt- it's a subcontract business, he sees the same people come to this place that came to the other tenant. He sees the same subcontractors with the same pickup trucks.

M. Stivers- They are similar businesses using similar contractors, that is the nature of the business with suppliers and contractors, therefore there is no relationship exists between the two businesses.

M. Stivers – Have you seen the gate closed during business hours? D. Hiatt and F. Schmidt- response is no from both parties.

M. Stivers states this can be a condition of approval, should the Board so choose, that the gate must be closed except in times of delivery and the screening shall be in place.

Applicant states the gate is generally open, occasionally closed when not expecting supplies.

Everyone agrees it is closed after hours.

**Board Attorney:** In moving forward with a decision, Board must weigh the credibility of the various parties.

**Affected Party Attorney:** asks M. Stivers what his role is within the Department. Response: Operational Director over Planning & Zoning, Historic Preservation, Code Enforcement, Building, and Business License divisions for the Department of Community Sustainability. J. Mankoff believes M. Stivers to be pro-business development and looking out to try to bring economic development to the City.

**Public Comment:** None, closed.

City stands at this time.

**Applicant:** The mesh screening, (wet curtains) have the misting water system on only when actively cutting so as not to waste water. Those photos may show it blowing in the wind when it is not on and there is no cutting. Describes the unpaved, white shellrock road to the east of subject property (near Tru-Green business) which kicks up dust. They have been there for 2 years operating without complaint (prior to the time that Benny left).

**Board:** A. Marotta- Regarding photos of pickup trucks with small slabs, is that part of a wholesale activity and they are being brought to the site?

**Applicant:** J. Bono explains they are leaving with the wholesale product.

Applicant points out that other businesses (Photo page 8) also have trucks with deliveries and supplies that back into sites, that is normal, typical business procedure. To say the subject property is the only business interrupting the flow of traffic is not accurate.

**Board:** G. Rice- (in reference to the photo on Page 7 indicating a white slab) Is that a finished countertop?

**Response:** That is an unfinished countertop, they are not backed into his property. Applicant clarifies that they work with multiple contractors. Applicant states the hard goods are chosen by an end user at another location. The goods are then delivered by a supplier for fabrication. There are no retail displays, the hard goods are at the distributor who then delivers to Kadassa.

L. Starr- isn't this retail?

**Response:** Applicant does not profess to being an attorney to know the definition of retail. Retail, in his opinion is buy a product sell a product. Their clientele is typically a contractor.

L. Starr- Do all cars park onsite? Is he a full time employee and is he there everyday?

**Response:** Yes and he does his best to make sure no one parks across street or in a spot that does not belong to them. Photos 2,3,4. There are two (2) vehicles in the on street parking spots (parked against traffic). Applicant believes the black vehicle is a contractor vehicle. He cannot control the way people park. B. Grill- Referring to page 8 photo, a very large shipment resembles what might be wholesale. Other photos (pages 6 and 7) look more like retail, small jobs. Applicant explains that is a contractor coming to pick up fabricated material. B. Grill views the single customer coming to the applicant contractor is working through fabricator as a single buyer which is retail.

M. Humm believes the installer is not performing a "retail" function by picking up a fabricated product. The end user is the homeowner, not the contractor picking it up. A. Marotta agrees that does not represent a retail action. Applicant doesn't display or sell individual pieces they do however on occasion install directly.

A. Marotta addressing staff: Regarding competent substantial evidence. With regard to the allusion to the 4 year code battle of neighboring property, has the applicant had any code complaints during that time?

M. Stivers- The lack of a business license was brought forward by code in 2017 but was denied due to the need for a Conditional Use permit.

**Board attorney-** was it in reference to a public or city generated complaint? Staff confirms the recorded date of a public complaint was in this year (2019). G. Rice inquires as to how long the code case has been open? June 3, 2019 was the recorded date of complaint. The complaint arose in 2019, the business was in operation at the location since 2017.

L. Starr- Asks for clarification on the difference between light industrial compared to medium and where are those areas? G. Rice asks for the exact zoning of the parcel as it stands today.

M. Stivers – This is the Industrial Park of Commerce (IPOC), with a full range of light to heavy industrial uses. The other zone is Artisanal Industrial (AI) which is more focused on arts manufacturing.

Board Attorney reads from the Code and definition of IPOC, some uses are permitted by right, others require administrative review but this case is considered medium to high intensity, that is why it is before Board. Code definition also allows for the establishment of "certain other uses that are compatible with industrial operations".

M. Stivers describes the boundaries of the IPOC zone. It was annexed into the City

M. Humm asks about the area and zoning near Pope Lane? That is the Artisanal Industrial Zone (AI). B. Grill questions the proximity to the school and is there a distance separation? M. Stivers states there is no standard for that. L. Starr confirms that light, medium and heavy industrial is allowed within IPOC. M. Stivers states code dictates according to size, low, medium and high intensity uses based upon square footage or size of the business. A. Rosenberg reiterates Aragon Ave, as well as the shellrock portion of the road, belongs to FDOT for the last fifty (50) years but City will not take ownership until FDOT improves the road.

**Affected Party Attorney:** The complaint did not come from his clients. Pictures show the slabs being delivered. I can send my contractor to buy it, that's retail. Intent of IPOC is confusing, size (square footage) is not a good basis for determining intensity. "Certain uses" does not mean all other uses. Code is clear in that all conditions must be met, indicates that all ten items are not met so it should be denied, lastly the applicant has the burden of proof.

M. Stivers-Traffic Concurrency Exception Area, there are two (2) in the City and one is in IPOC

**Motion:** M. Humm moves to approve PZB 19-00500004 subject to staff recommended conditions (14); D. Tanner 2<sup>nd</sup>. A. Marotta asks whether the two (2) additional conditions were to be included:

- The gate to be closed except when accepting deliveries.
- Additional Landscaping to be installed around one side and one end of the roll-off.

G. Rice states there is a need for roll offs but typically limited to @ 90 days. L. Starr- have there been instances where a dumpster enclosure is required by code. M. Stivers reminds Board that roll-off standards are different because they are not required to be screened, they are not city containers.

B. Grill believes it is not in the spirit of the code. Ridiculous that they have not had a business license for two (2) years.

M. Humm amends his motion to include the additional conditions; D. Tanner 2<sup>nd</sup> the amended motion.

**Roll Call Vote:** 5/1 motion to approve carries; L. Starr-yes, D. Tanner-yes A. Marotta-yes G. Rice-yes M. Humm Yes; B. Grill- nay.

#### G. Cases-New Business:

1. PZB Project No. 19-00000007: Consideration of a request by Emily Theodossakos of the Lake Worth Beach Community Redevelopment Agency and Glayson Leroy for the approval of three murals in the City as part of the annual FOCUS event

**Staff:** A. Rosenberg-The first proposed mural would located at the Tuppens business at 10<sup>th</sup> Ave North and Dixie Hwy. 1002 N Dixie Hwy. The second mural at 1121 Lucerne Avenue, the Hatch Building and last 1213 Lake Avenue.

**Applicant:** Emily Theodossakos, CRA- G. Rice asks if the mural at 1213 Lake Avenue will be glued on?

**Response:** No, it will be painted on the boards. Tuppens will be one long mural covering all four facades. The Octopus will be coming down. G. Rice asks when the FOCUS events begin -November 15.

Meet the artist: Sami Makela- local artist. Tuppens mural will be 9 feet high then 11 feet high, under blue line.

**Motion:** A. Marotta moves to approve PZB 19-00000007 subject to staff recommended Conditions of Approval; B. Grill 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous

2. PZB Project No. 19-00500005: Consideration of a request by Vivian Vega of Gaspar Alternative, Inc. for the approval of a Conditional Use Permit for a low intensity "out patient clinic/medical office" use at 326 North Dixie Highway

**Staff:** A. Meyer- presents case findings and analysis-A high, medium and low intensity medical office is a conditional use permit that requires Board review, the specialty retail portion is permitted by right. Applicant put forth there will be a cross access parking agreement with property to the south 318 S Dixie Hwy, which is the same property owner, just a separate parcel. 318 S Dixie Hwy has 12 spaces available but only requires 6 spaces, so there would be a surplus of parking available (an estimated 3 spaces would need to be borrowed.).

**Applicant:** Vivian Vega-326 N Dixie Hwy- Miracle Leaf franchise. Currently owns a franchise in Dania Beach. Doctor hours on-site would be 4 hours on Tuesday and Thursday offering a pathway to healthy living. Evaluate the patient to determine if they meet qualifications as set by the State of Florida. The retail portion is for CBD products and T-shirts etc. She is a Franchisee not the Franchisor.

**Board:** B. Grill: Questions why applicant would want to issue the cards but not dispense? Ms. Vega states they are not a dispensary. State law dictates the dispensary and the prescribing businesses must be separate. A. Marotta- Wants to understand how the issuance of the card is related to the retail portion of the business.

**Applicant:** Many people are not necessarily looking for the card but would like to purchase CBD products as a sleep aid or for pain relief. The process would be: Patient comes with a diagnosis from the primary care physician. The patient would meet with the Tuesday/Thursday doctor who will determine if they might be eligible for the card. If the doctor determines the person is eligible, they would then assist the person in obtaining the card. The evaluating doctor must have State certification in order to evaluate. Applicant states not everyone will be approved, some people just want cards and have no medical records with them or referrals. The CBD retail products are an alternative. G. Rice asks about renewal. Ms. Vega states the annual renewal fee is \$75 for the license. The annual renewal fee goes to the state. L. Starr-do the medical records go to the state? No, the medical records stay in the file however the evaluation documentation, is submitted weekly to the State but has no names or discerning information, only numbers. L. Starr asks about the parking situation. Questions whether the cross access agreement would be null and void if the property owner sold the other property.

**Property owner:** Doralee Asher-has parking in the rear of the property at 318 N. Dixie Hwy. There are five (5) spots at the rear of the property of which 2 would be for applicant plus 3 spots on the south side. Other tenants are her own business and a pizza store. There are questions about the signage.

**Board:** A. Marotta- in clarifying the parking agreement discovers there are 3 spots are included in that agreement. L. Starr asks about dispensaries-M. Stivers explains the results of the previous moratorium and states there are no limitations on number of offices or separation distances. A. Marotta-what is difference between this use and Dr. G's? M. Stivers states Dr. G's is urgent care. Essentially the same, a medical office. Parking requirement per the use is 3 spaces.

Board Attorney asks how many spaces are required for the building?

**Staff:** For Mixed-Use districts in the core area, parking requirements state that no additional spaces are required, whatever is on the site is permitted. Medical uses which are conditional uses require additional spaces. A. Marotta mentions according to gross proceeds the volume must be good for only having 3 parking spots.

B. Grill asks if there will be online sales as well? **Response:** no.

**Public Comment:** None

**Motion:** B. Grill moves to approve the PZB 19-00500005 and staff recommended conditions as well as a shared parking regulation to be reviewed by the city attorney. M. Humm 2<sup>nd</sup>. B. Grill amends motion to "review and approve the shared parking agreement"; M. Humm 2<sup>nd</sup>.

**Vote:** Ayes all, unanimously.

3. PZB Project No. 19-01300001: Consideration of a request by John Rinaldi, Thomas Greene, and Robert Knight for the approval of a Rezone of 109, 121, and 125 North Golfview Road from Low-Density Residential to Downtown

**Staff:** A. Meyer presents case findings and staff analysis. Prior to 2012 the Future Land Use for one subject parcel, was Downtown Mixed Use; after which the other 2 parcels (previously High Density Residential)joined in becoming Downtown Mixed-Use.

**Applicant:** John Rinaldi 109 N Golfview- After learning of 6 Lucerne coming before the Board for a conditional use for an extended stay hotel, he determined he too could possibly obtain DT zoning. The 3 adjacent property owners discussed this possibility and decided to file a single application. At this time none of the applicants intend a change in use, but would like to avail themselves of the possibility for other uses in the future.

**Board:** B. Grill: Paraphrasing, according to his understanding, states “3 property owners got together to save monies by filing one application and increase their property value on a possible resale”.

**Applicant #1:** John Renaldi: States no that is not what he said. He was advised that all the properties could join in a single application or file individually. He was never aware that the properties to the south on him were ever zoned downtown. Should someone ever come to the adjacent property and turn it into a Dunkin Donuts (because it has DT zoning), why should he not have the same opportunity? He would like to have consistency in zoning on the street and wants to be part of the consistency.

**Board:** The more northerly parcel would remain Multifamily as well as Mango Inn on the street to the west. Regarding questions about the zoning of the area; there are several other zoning districts that correlate to the Downtown Future Land Use designation. Regarding the intent of persons seeking to rezone, is it normal for individuals to do this? Yes, it is not uncommon and the fact that it is more than one property owner shows a consensus.

**Staff:** It is not uncommon to bring the zoning into compliance with the Future Land Use map.

**Applicant#2:** Robert Knight 125 N Golfview- is not looking to change anything, has lived here for six (6) years, he loves living here. He rented the property prior to purchasing and is not petitioning in order change something.

**Board:** A. Marotta for staff: Is it the intent of the City to make it part of the commercial core? **Response:** Yes.

#### **Public Comment:**

- Susan Guyaux (property owner) 131 N Golfview Rd unit 3. –There is too much commercial space now and this will only result in less residential. Downtown businesses need people who walk downtown. Believes it is spot zoning.
- William Feldkamp (property owner) 108 Lake Ave. Loft 205- Believes it to be overly ambitious upzoning without any project attached to it. Thanks to Burt Harris it normally cannot be reversed. The One has been open for over a year and has yet to open any commercial retail as well as the CRA space at Lucerne and North F St thanks to the ‘Amazon’ effect on retail. Unintended consequences of upzoning, can be seen in the area of 6<sup>th</sup> Ave S and 10<sup>th</sup> Ave N; homes (at least 12 vacant lots) which changed to MU approximately 5 years ago, who may have had the intent of selling to developers, have let the properties fall into disrepair. Taxes have been lost and there is no new tax base from new projects. 125 N Golfview is already boarded. True the Comprehensive Plan is the future but there is no specific proposal accompanying this request. Please deny or defer for 5-6 month a market study and for applicants to show intentions.
- Don Rosenshine of 131 N Golfview Unit 3 -When you buy out of state, and review appraisals etc, who has the thought to check a 10 year plan? Realtors are not obligated to inform. Because of the transitory nature of South Florida population, it becomes irresistible to change zoning as is evidenced by the absence of the other 2 applicant owners. The recently changed south parcel is now advertising a café. If this was happening in Parrot Cove the outcry would be much greater.
- Connie Vieaux-(property owner) 125 N Lakeside Dr- Opposes because of the possibility of six (6) story buildings blocking view. Not anti-development. Does not support the rezoning.
- Linda Mahoney- (property owner) 325 North O St- Remembers when FLU map was created and states that at the time notice was not given to individual property owners because it was the City doing it. If it is to be done, include the northern parcel, do the entire block. Is it just coincidence that many snowbirds are not in town? Why was the meeting not on the City calendar?

**Board Attorney** states the Planning & Zoning meeting is always the same time, 1<sup>st</sup> Wednesday of the month.



Swearing in of John Rinaldi and Robert Knight.

**Applicant:** John Rinaldi-When he purchased the property, the Gulfstream hotel was open as well as the restaurant and bar; all residents on the street was very aware; the most recent approved construction plans also included retail, restaurant and bar. Had also been surveyed regarding the possibility of moving the clubhouse for the golf course to the east of his property. Has had his property available for sale and has been questioned as to what could be done with the property. Last year when 6 Lucerne Avenue rezoned, insinuates there may be a café there.

B. Grill asks applicant to move forward to the point. Chairman pre-empts and allows further testimony.

**Co-applicant:** Robert Knight- With regard to the shutters, they were up because of hurricane season and Dorian and he will be taking them down soon.

**Board Attorney:** They have to be taken down, have had several inquiries. Chairman states it is a safety issue. B. Grill inquires about density. Staff indicates MF-40 (multi-family 40) is a zoning designation in the code. There are other ways to increase density.

**Chairman:** Asks about whether the meeting was on the calendar. M. Stivers states staff has followed the procedure and protocol for having the meeting put on the City Calendar, will follow up with the responsible parties.

**Board Secretary:** States the agenda and entire backup is available at the City Hall, Library and offices at 1900 2<sup>nd</sup> Ave North.

**Chairman:** In this day and age when everyone is dependent upon cell phones to tell us what to do and when, is inclined to re-advertise.

**Board Attorney** clarifies Planning & Zoning has always been the first Wednesday of the month. The advertising procedures were followed for the project, State requirements have been met. Believes Ms. Mahoney is referring to the meeting in general not being shown on the City Calendar as an event. The agenda was posted and project advertising has met State Statute requirements.

**Motion:** A. Marotta moves to recommend denial of PZB #19-01300001 to City Commission because the applicant has not established by competent substantial evidence that the application is in compliance with the City of Lake Worth Beach Land Development Regulations (Chapter 23.2-36). In particular inconsistency with the Comprehensive Plan, incompatibility with the use of adjacent properties and a negative effect on the surrounding properties D. Tanner 2<sup>nd</sup>.

**Board discussion:** A. Marotta's concern is there is no proposal or intended purpose and once the zoning is changed it opens up an entire new realm, the upzoning of residences. B. Grill- Agrees with A. Marotta about why applicant wants to upzone. Downtown zoning allows for prime retail and commercial uses. There is already an excess of vacant, commercial space. G. Rice in reference to the Burt Harris Act; In the 70's the City put in its charter the ability to go to 100 feet. That part of the Charter has since been changed. Don't believe all that you hear, you buy the property but not the zoning.

**Vote:** 4/2 deny M. Humm and L. Starr dissenting.

4. PZB Project No. 19-03100003: Consideration of Ordinance 2019-XX, proposed amendments to Chapter 23 of the City of Lake Worth Beach Code or Ordinances

Recommendation to change four (4) sections of the Land Development Regulations (LDR)

- Sustainable Bonus Incentive Program in order to better align with the Comprehensive Plan. Add and include Florida Green Building and other nationally recognized, accredited sustainable rating programs. Incentive rate in IPOC to \$1.50 square foot as opposed to \$5.00.

- Development of Significant Impact-change in definition/description. Amending thresholds upward from 45K to 100k square feet for commercial, office and industrial developments, and from 50 to 100 for new residential units.
- Changes to Planned Development District: Adding a tiered bonus level on top of Sustainable Bonus Incentive if the project is in a Planned Development District. Density, intensity and height incentives.
- Transfer of Development Rights (TDR)- add language to establish the Transfer Development Rights (TDR) program within the City to allow one additional story of no more than 15 feet in overall height, an increase in overall density of 10 units per acre, and An increase in overall floor area ratio (FAR) of 10%.
  - Medium and High Intensity Conditional Use, Industrial/Manufacturing Facilities.

Eliminating lot size requirements in industrial areas

Add additional standards for recycling facilities

1. All production and processing shall be restricted to an enclosed building.
2. Outside storage of source materials prohibited;
3. adding hours of operation restrictions;
4. provisions and systems installed to address noise, dust and odor emissions.

**Board:** A. Marotta-Planned Development District-Would it have an effect on surrounding areas? or only within that development? RE: Cloisters spillover parking would it cause a PDD to relax parking requirements. Line 63 of ordinance.

**Staff:** M. Stivers- The Planned Development District (PDD) design standards are adopted by City Commission who can relax the standards (to be different from standard code) as long as it can be justified why.

**Board:** A. Marotta re: Transfer of Development Rights (TDR)- “selling” off of unused rights for city owned property only, can they be gotten back or are they stuck with what is left? Is it a permanent Deed restriction?

**Staff:** M. Stivers they can buy it back, otherwise the short answer is no. Board Attorney advises City Code could again be changed.

**Board:** B. Grill asks why reduce the sustainable bonus (down to \$1.50) and lose revenue because the developer is still benefitting? D. Tanner views it as an incentive for a business owner who might not otherwise come here, the problem (of reduced cost) might only exist when too many people want to build here.

**Public Comment:**

Ouari Hardy- Typically the money is spent on within the developing property. Thinks the Sustainable Bonus program is too complex and should just let them go to height by right. However if it exists it is an intelligent was to go about it. **Staff:** M. Stivers- it is generally an improvement but not a contribution to the general fund. Believes parking is the most expensive thing that we do to development and being able to relax the parking for a Planned Development District is beneficial. Likes this. Going in right direction.

**Motion:** A. Marotta moves to recommend approval of PZ/HRPB 19-03100003 to City Commission M. Humm 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

6. Planning Issues: None
7. Public Comments (3 minute limit): None
8. Departmental Reports: None
9. Board Member Comments: Questions about the progress of O'Reillys, Golden Roads, Extended Stay sign permit 6 Lucerne, and Lake Cove encompasses 13.5 acres.
10. Adjournment: 9:48 pm

**Submitted By:**

*Sherie Coale*  
Sherie Coale, Board Secretary

**Minutes Approved:**

11/7/19  
Date