



**MINUTES
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, NOVEMBER 06, 2024 -- 6:04 PM**

ROLL CALL and RECORDING OF ABSENCES: Present were: Juan Contin, Chair; Daniel Walesky, Vice-Chair; Mark Humm; Dave Mathews; Henry Pawski. Also present were: Karina Campos, Senior Community Planner; Annie Greening, Principal Planner; Scott Rodriguez, Assistant Director for Community Sustainability; Elizabeth Lenihan, Board Attorney; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA The agenda was re-ordered to hear New Business Item C. prior to New Business Item B.

APPROVAL OF MINUTES:

- A. October 2, 2024 Regular Meeting Minutes

Motion to accept the October 2, 2024 meeting minutes; Vote Ayes all, unanimous.

CASES:

SWEARING IN OF STAFF AND APPLICANTS Board Secretary administered Oath to those wishing to give testimony.

PROOF OF PUBLICATION None required

WITHDRAWALS / POSTPONEMENTS None

PUBLIC HEARINGS:

BOARD DISCLOSURE None

UNFINISHED BUSINESS: None

NEW BUSINESS:

- A. **PZB Project Number 24-00000021:** A mural installation request for the property located at 1715 North Dixie Highway. The property is zoned Mixed Use – Dixie Highway (MU-DH) and has a Mixed Use – East (MU-E) future land use designation.

Staff: The proposed mural is consistent with the Comprehensive and Strategic Plan and Land Development Regulations with the exception of the location of the mural. LDR Section 23.5-1(e)(13) states that murals shall not be permitted on the fronts of buildings facing Dixie Hwy except as may be approved by the Board.

Board: Questions arise as to the location as the MID does not have a mural. **Staff:** It was approved with the SBIP (Sustainable Bonus Incentive Program). The Board questions if it will set a precedent for future mural installations along the main arteries. A solution would be to look to the conditions placed upon any proposed new installation. Comparison to the HJ mural not directly facing N. Dixie Hwy.. Mention is made that it is not safe to drive while looking at the mural.

Motion: D. Walesky moves to approve PZB 24-0000021 with staff recommended Conditions of Approval as it meets the mural criteria based on the data and analysis in the staff report.; D. Mathews 2nd.

Vote: Ayes all, unanimous.

B. Ordinance 2024-14: Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 1 “General Provisions,” Division 2 “Definitions,” Section 23.1-12 – Definitions and Article 6 “Environmental Regulations,” Section 23.6-1 “Landscape Design Standards” to create a definition for artificial turf and establish regulations and performance standards for artificial turf.

Board Attorney reads Ordinance Title

Staff: This is in response to the direction given by the City Commission during a Special Meeting May 9, 2024 which would allow limited use of artificial turf:

- Non-City owned or affiliated athletic fields and playgrounds;
- SFR and SF-TF zoning districts only in rear and side yards, limited use as part of a grid for parking strips, patio, walkway and driveway otherwise prohibited in the front yard.
- roof top terraces
- In Multi -Family or Mixed-Use Residential zoning districts as part of a recreation or amenity area.

City Commission previously deemed the material as impervious.

Board: The proposed Ordinance does not accomplish what those who wish to utilize artificial turf had hoped it would.

Staff: It does not count as living ground cover and no points are awarded for landscape, it is treated as an impermeable surface.

Board: Discussion about the terminology of impermeable vs permeable. What may be permeable on installation can be rendered impermeable due to the accumulation of detritus over time. Board feels it is inaccurate to refer to it as impermeable.

Public Comment: Peggy Fisher- North A Street- recommends Board and staff listen to the May 2024 City Commission. Doesn't believe that was what was said as per the definition. It was discussed that the parking strips would not have to be removed. Has concerns that restaurants and apartments would need to be removed from between pavers. It is difficult to get anything to grow between parking strips. States the only the first 20 feet of the front yard is where calculations are made.

Giovanna Dominguez Timor – see attached

Donna Kerner- 1012 N J St – see attached

Motion: D. Walesky moves to recommend approval of Ordinance 2024-14 to the City Commission with the notation that artificial turf be considered as pervious and not landscape material; D. Mathews 2nd.

Vote: Ayes all, unanimous.

C. Ordinance 2024-17: Consideration of an ordinance amending multiple sections of Chapter 23 “Land Development Regulations” to establish definitions, regulations, and performance standards for manufacturing and processing facilities with apparatuses.

Board Attorney reads the Ordinance Title.

Staff: The Ordinance would create a new use type, manufacturing and processing facilities. This would create the Land Development Regulations for the use which do not currently exist. Staff continues to work with the applicant regarding parking regulations. It is anticipated to be resolved by early December.

Board: Request for clarification on the increased height from 24 feet to 60 feet. **Staff:** Due to the height of the apparatus, the Sustainable Bonus Incentive Program would be utilized. Question about Sustainable Bonus only applying to the FAR (floor area ratio living area above a certain height).

Staff states it is not just applicable to living area, the fee schedule will reflect \$3 per foot. The measure would be per linear foot measuring height of the apparatus and square footage of the base.

Board: It is a very heavy industrial use with heavy equipment moving gravel, with dust and truck traffic. Question as to why the distance from a residential area (400 feet) is indicated to a wall rather than a property line.

Staff explains the nearest residential would be the mobile home park, which is not within 400 feet, but is located in the IPOC zoning district. The measurement was recommended by the applicant as there would not be a residential property line to reference. The Ordinance is not specific to any particular project or site.

Board: Another concern was the change in hours, would this allow for the expansion of hours of operation? The temporary use permit is also concerning.

Staff: The use table only allows for the temporary use permit in IPOC. The temporary use permit would allow a set amount of alternate times per month to be requested in advance; similar to a bank of time.

Bradley Miller, Urban Design Studio: A traffic management plan will be provided as part of the Conditional Use application; the Temporary Use permit will also be requested.

Motion: D. Walesky moves to recommend approval of Ordinance 2024-17 to the City Commission including the change to line 391 (375 feet from property line to property line); H. Pawski 2nd.

Vote: Ayes all, unanimous.

- D. **Ordinance 2024-18:** Consideration of an ordinance amending multiple sections of Chapter 23 “Land Development Regulations” to address several housekeeping items and minor changes for clarity.

Board Attorney reads Ordinance Title

Staff: The use table would be revised to re-locate “Nursing Homes and Assisted Living Facilities” to be considered as an Institutional use rather than Residential use. The definition of “townhouse complex” is eliminated, and the definition of townhouse is changed to allow for two (2) unit townhomes. Minimum lot width and area for parcels on the west side of Dixie Hwy in Mixed Use-Dixie Hwy zoning district are revised to match requirements on the east side of Dixie Hwy.. With that change, the redevelopment of smaller lots would be possible.

Board: Suggestion to rename retirement homes to Independent Senior Living.

Motion: D. Walesky moves to recommend to City Commission approval of Ordinance 2024-18, with the suggestion to rename “Retirement Home” (residential use) to “Independent Senior Living”; D. Mathews 2nd.

Vote: Ayes all, unanimous.

- E. **Ordinance 2024-19:** Consideration of an ordinance adopting the City’s Mobility Plan and amending the City’s Comprehensive Plan to align with the goals and objectives of the new Mobility Plan.

Board Attorney reads Ordinance Title

Staff: Editing of existing language within five (5) elements in the Comprehensive Plan to better support the upcoming Mobility Plan Element addition to the Comprehensive Plan. Allows for additional funding in the City, serves as Safety Action Plan. How plans and goods move through the City aside from vehicular traffic. City Commission will initially hear the plan on December 3, 2024.

Board: Traffic calming devices (concrete planters) are not effective as safety features and actually increase risk. Other Questions re: golf carts on city streets; what is the Mobility fee? **Response:** Impact fee; the LDR changes pertaining to golf carts are not yet drafted. That would come later.

Board Attorney: The City has not adopted a Mobility Fee Program. The golf cart language is located in the Code of Ordinances, Chapter 23.

Motion: H. Pawski moves to recommend approval of Ordinance 2024-19 to the CC; D. Mathews 2nd.

Vote: Ayes all, unanimous.

F. Ordinance 2024-20: Consideration of an ordinance banning marijuana dispensing facilities within the City of Lake Worth Beach.

Staff: The Ordinance is intended to treat medical and non-medical marijuana dispensing facilities the same, should the State Amendment pass (which did not)

Public Comment: Peggy Fisher-North A St.- The Ordinance language is offensive, finds it to be inflammatory and untrue. The existing two (2) dispensaries are no more dangerous than any other bar or vape shop. To state the approval may create/lead to offensive odors, robberies, negative impacts is a disservice to anyone who needs it for medicinal purposes. Would like to know who put the language in the Ordinance. Where are the crime statistics? Doesn't want to live in a City that does not offer the option of the service if medically necessary, doesn't want to live in a City that says she is not good enough to have that option. Although it didn't pass during the recent election this Ordinance shouldn't pass. Would like to know who on the City Commission gave direction without City Manager approval. Recommends tabling or denial.

Motion: D. Walesky move to recommend denial of Ordinance 2024-20 to the City Commission; H. Pawski 2nd.

Vote: Ayes all, unanimous

Board Attorney: The language was taken directly from the previously adopted (current code) in the "whereas clause".

PLANNING ISSUES: Office hours for Board members are Monday afternoon prior to the Wednesday Board meeting, staff will be available for clarification and questions.

PUBLIC COMMENTS (3 minute limit) P. Fisher – Several members of the Commission asked for the Ordinance for Medical Marijuana. Who on the Commission went to staff and did not get direction from the City Manager.

Response: This was assigned to Attorney Lenihan at a workshop.

DEPARTMENT REPORTS: None

BOARD MEMBER COMMENTS: None

ADJOURNMENT: 7:32 PM

Attached Public Comment (2)

The Tree Board members and David McGrew, the Tree Board Advisor, met on March 16, 2024, and reviewed previous DRAFT Sec. 23.6-1. Landscape regulations on Artificial turf, rock and mulch and discussed the pros and cons of allowing artificial turf to be installed.

The Tree Board passed a motion to continue the prohibition on artificial turf in the City of Lake Worth Beach and to add language to the ordinance that Artificial Turf is prohibited. Erin Sita, former Assistant Director, Community Sustainability Department said it is clear in the ordinance that landscaping needs to be alive and therefore Artificial Turf is not allowed. The points below were presented at the April 13th City Commission Workshop.

1. Artificial grass is being marketed as an environmentally friendly way to conserve water and to minimize the use of fertilizers,

pesticides, and weed killers.
In reality,

2. Artificial grass has a big carbon footprint and uses huge volumes of plastic and fossil fuels to be manufactured, transported and installed.
3. Artificial grass contains toxic PFAS compounds, heavy metals and chemicals such as acetone, arsenic benzene, and other carcinogens that can present a serious health threat. The material also emits high levels of methane, a potent greenhouse gas.
4. Plastic grass absorbs heat creating heat islands that can reach temperatures of up to 200 degrees in the FL summer.
5. Pieces of plastic grass break down, contaminate our soils, float into the city's sewer system, release harmful compounds and pollute our waterways with microplastic and other chemicals.
6. Artificial grass deprives contact with natural surfaces, kills soil life beneath it and has no wildlife benefit.
7. Artificial grass can't be recycled. There are 3 layers: backing, artificial grass and filler to weigh it all down making it impossible to separate them and therefore making it impossible to recycle.
8. Artificial grass lawns need cleaning and maintaining. Plastic grass lawns don't recycle germs and other debris so you need to sanitize them with biocides to prevent health risks from animal droppings and bacteria.
9. University of Florida IFAS does not consider artificial turf "Florida friendly" or environmentally acceptable. The experts say it holds in heat and raises the temperature of neighborhoods; it allows microscopic petroleum pollutants to seep into the soil and water table; it kills the beneficial bacteria and microorganisms underneath; it collects animal feces; and it is an awful substitute for conscientious natural xeriscaping.

Please keep the current prohibition on Artificial Turf and enforce it.

Thank you, Donna Kerner 1012NJSt. Lake Worth Beach, FL
33460 United States Chair, Tree and Landscape Board City of
Lake Worth Beach

I thank you in advance for reading my statement.

After several years without the distinction, Lake Worth Beach just recently turned toward becoming a Tree City USA once again, a status awarded to cities that safeguard and promote living, breathing plants and trees and promotes educational programs so that children will become future stewards of a living planet.

What kind of Tree City USA are we to claim to be if we allow "Plastic Grass" to be installed anywhere in our city, especially in an environment such as South Florida, where you can literally toss a native seed onto the ground, treat it with mild neglect and still watch it grow into a beautiful living organism beloved by microbial life, insects and all manner of creatures who feed and make homes in our plant life.

Our weather and sandy soils are beloved by hundreds of types of grasses and other living turf many of which require very little care, or water. Those false claims that we "waste" enormous amounts of water on our turf need to be recognized for what they are, false.

There are many beautiful drought tolerant ground covers that live on sun and occasional rainfall. They feel wonderful underfoot and fill our yards with butterflies, dragonflies, skippers, and myriad insects that bring nutrients to the soil and support the root system which in turn helps battle soil erosion and all of this life releases oxygen while capturing CO2.

To even consider the installation of a foul smelling, heat releasing plastic product that atomizes particles of plastic into our environment and into all living organisms including our children who walk and breathe on these surfaces is grossly irresponsible and contrary to everything a Tree City USA should be standing for.

I have watched entire yards covered in plastic grass installed, and others that sit in the planning process year after year waiting for this city to cave into their "low maintenance" argument while ignoring the impact that this "petroleum product" unleashes on everything we are supposed to hold dear- our Mother Earth.

As a former member of the Tree Board I strived every day to set an example by studying the Florida Friendly Landscape guidelines and I met with horticulturists and master gardeners whose recommendations I brought to neighbors and to the board.

I cannot believe that even now after all this time - this debate is still taking place. It needs to be banned - period.

Giovanna Dominguez Timor 307 8th Avenue N Lake Worth Beach, FL 33460 United States 301 8th Avenue N (Parrot Cove)