



**MINUTES
CITY OF LAKE WORTH BEACH
PLANNING AND ZONING BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, DECEMBER 01, 2021 -- 6:09 PM**

ROLL CALL and RECORDING OF ABSENCES: Present were-Juan Contin-Chairman Pro-tem; Laura Starr; Mark Humm; Zade Shamsi-Basha; Anthony Marotta arriving at 6:11 PM. Absent: Greg Rice; Edmund LeBlanc. Also present were: Scott Rodriguez, Principal Planner; Erin Sita, Asst. Director for Community Sustainability; Elizabeth Lenihan, Board Attorney; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

Consensus motion: to approve the agenda with no additions, deletions or reordering.

Vote: Ayes all, unanimous

APPROVAL OF MINUTES:

A. November 3, 2021 Meeting Minutes

Consensus motion: to approve the November 3, 2021 minutes as presented.

Vote: Ayes all, unanimous.

CASES:

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

PROOF OF PUBLICATION

- 1) Herff Jones
LW Substation
Intermex

WITHDRAWALS / POSTPONEMENTS: None

CONSENT: None

PUBLIC HEARINGS:

BOARD DISCLOSURE: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

- A. A Request for Continuance to a date certain of January 5, 2022 for PZB 21-00500008-Intermex - Money Services Business.
- B. Request for continuance to a date certain of January 5, 2022 for PZB 21-01400027 Lake Worth Beach Substation.

Motion: M. Humm motions to continue New Business items A. and B. to a date certain of January 5, 2022; J. Contin 2nd.

Vote: Ayes all, unanimous.

- B. PZB Project Number 21-01400025: Consideration of a Major Site Plan and Conditional Use request to renovate an existing 14,446 sq. ft. commercial building and to allow for improvements to parking, drainage, and landscaping to operate a single-destination commercial use with a photography studio gallery (Herff Jones) within the Mixed Used Dixie Highway (MU-DH) zoning district.

Staff: E. Sita provides a case analysis and overview of the business use. It is a phased project with the intent of being open for business in the busy season of May through September 2022. Two smaller structures on the southern end are proposed to be demolished in order to reconfigure the parking and driveway entrance. Applicant applying to FDOT for a curb cut. Staff is requesting the applicant to revise the parking lot and provide a landscape buffer in Phase 1; and the curb cut in Phase 2. Decorative elements and glass fenestration meet the Major Thoroughfare Design Guidelines. Staff is requesting the kneewall be removed and replaced with landscaping. The site improvements would provide improved screening, site circulation, increased jobs and an increase to the City tax base in alignment with the City Strategic Plan. It will re-develop an existing vacant commercial property.

Applicants: Daniel & Joelle Gutterez – are in agreement with the Conditions of Approval. Pose the question of when a Certificate of Occupancy could be obtained or if a temporary CO be obtained. The reason for the phasing is May through September are busy months. This would allow the business to safely open and then provide parking lot improvements in Phase II. As photography is an integral part of the business, light control is important hence the lack of windows. Louvered panels on the second floor give texture and articulation. Other site improvements include the adjacent alley will be milled and repaved; mechanical equipment will be removed from the roof; the building color will be repainted white with a blue accent. Future consideration is being given to a mural by Sami Makela on the south side of the building. Staff advised the Mural would be a separate application.

Board: J. Contin asks about the dissimilar rooflines. **Response:** The buildings were added at different times, there are 3 buildings. The two on the south side will be demolished. Parking will be 37 spaces when completed. There will be sufficient parking throughout both phases. The parking lot will be completed by spring 2023. The landscaping and buffering will be completed in May 2022. A FDOT permit will be required for the curb cuts, a lengthier process. L Starr asks if the alley is being utilized. **Response:** Only to access the drive aisles, that is why the alley is being improved. Exit will be through the alley, entrance only off Dixie Hwy..

Public Comment: None

Board: Z. Shamsi-Basha asks if the phasing is a common occurrence? His concern is for long term ongoing construction activity for the neighbors. **Staff Response:** It happens occasionally, prior to the issuance of a TCO the site will be safe. The applicant will be motivated and excited to move to Phase 11.

Motion: L. Starr moves to approve PZB 21-01400025 with staff recommended Conditions of Approval based upon competent substantial evidence provided in the staff report and in the testimony at the public hearing: J. Contin 2nd.

Vote: Ayes all, unanimous.

- C. PZB Project Number 21-00500007: Consideration of a Conditional Use Permit request to allow a 3,200 square feet self-service laundromat at the property located at 810 South Dixie Highway.

Staff: Despite staff having requested a concurrent Site Plan application, the applicant requested to move forward with the Conditional Use in order to be able to place the order for the laundromat equipment. The proposal would support the Strategic Plan goals for stimulating the economy, contributing to the tax base and increasing jobs within the City. Staff has remaining concerns with the site circulation. Applicant has agreed to submit a subsequent Site Plan. Board should discuss the timing of the Conditional Use submittal prior to the submittal of the site plan amendment. Conditions of Approval are prepared in the event the Board chooses to approve the Conditional Use. Parking would be deficient, the only enhancement to the landscape would be in the form of planter boxes.

Applicant: Ran Dagan-The south side of the building has been vacant for quite awhile. It is similar to many other buildings in the area with front and back exits. Understands concerns with a rear exit and circulation in the back. Is asking if the laundry can proceed, is willing to work with the rest later. Brief powerpoint shows an improved exterior with resurfacing of parking area in the rear; improved the lighting and dumpster enclosure, repainting of the structure. For continuity between parking and laundromat an option would be to eliminate the pool or to creating a fenced area for traversing to the front of the business.

Board: L. Starr asks about the number of machines **Response:** 32 washers 16 dryers. J. Contin inquires if the single-family home will remain? **Response:** It is occupied. J. Contin states the Board could be putting itself in a precarious position by approving a Conditional Use without a Site Plan. It could also put the applicant at risk if the Site Plan is not approved. L. Starr asks if the applicant knew that it was a Board review item prior to the purchase of the property. **Response:** Prior to Covid the review would have been an AUP (administrative use permit at staff level review) A. Marotta asks if the applicant is ok with the risk of possibly not getting the Site Plan approved. **Response:** Yes, acknowledges it's a calculated risk. At the other location how many people walk to the laundromat versus drive to the laundromat? **Response:** 80 % walk

Two Affected Parties: Ryan Leyton for Guiseppe Millage— there is currently congestion on the street, no one will park in the parking lot, they will be parking on the street. There are eleven usable spaces. The loading area with improvements including the double door is preparation for it to be the main entrance. Wes Blackman for Guiseppe Millage-It is compelling to say “no” for this project giving the applicant certainty and the opportunity to find another tenant that would be friendlier to the Single-Family Residential Community to the east of the project. Slideshow indicates the property is zoned Single Family Residential. Mentions the removal of the loading dock area which now has a main entrance with the double doors. This area will be utilized as the drop-off main entrance. The parcel has commercial use and a single-family dwelling. Proposes there are three dedicated parking spots for the use of residents at the Bridges. This use will have a negative impact on the adjacent Single-Family zoning district with 49 machines and open from 7am to 10 pm. There is a counter inside the double door for potential drop-off laundry service with seven seats for waiting. Parking along J Street will be difficult at best with

cars backing out into the street. Believes the criteria for conditional use is not met. Willie Mason-not present.

Questions from staff to affected parties or applicant: None

Questions from applicant to affected parties or staff: Applicant states the lease signed by the Bridges occupants acknowledges the parking is available to everyone living on the parcel.

Questions from affected parties to staff or applicant: None

Board: L. Starr asks to see the map of locations of applicant and affected party parcel. Asks how many parking spaces are on the affected party parcel. **Response:** It is a legal non-conforming structure in a Single Family zoning district with 3 units and eight (8) spaces. **Staff:** Mr. Mason lives to the north of Mr. Millage. To the south is a multi-family structure. Parking is happening on J Street despite the lack of no parking signs. It is a 40 foot wide right-of-way. A. Marotta: what would the required number of spaces be for the use? **Staff:** Circulation is the concern, not necessarily the number of spaces. A. Marotta: Site Plan questions are now clouding the question of use. To Wes: Why does he believe it would result in greater impact than a use permitted by right despite being conditioned? Mr. Blackman states the prior loading dock area is going to act as a drop off, and produce a greater impact.

Public Comment: Mr. Millage wishes to represent Willie Mason. (he is not able to represent Mr. Mason) Every sidewalk on the street is occupied by cars already. This will intensify the congestion especially with the loading dock conversion. Dixie Hwy is Mixed-Use, J Street is not.

Mr. Dagan believes Mr. Millage is renting four (4) units. Disagrees the laundromat will increase congestion, and there will be connectivity from the structure to the parking lot. What use could be approved? The tenants of Mr. Millage will most likely walk to the laundromat.

Board: If 700 feet were removed, would this be reviewed by Board? **Response:** No, however it would still require an Administrative review by staff as a laundromat is not permitted by right. There are site qualitative standards that must be met which may result in the removal of the home and remedy all parking. J. Contin- a parking study would clear this up.

Public Comment: Diane Calvard of 812 South J Street (tenant of Mr. Millage)– major congestion on the street. It will take up too much of the street.

Staff apprises Board of the three possible outcomes: Continuation; Approval; or Denial.

Board: L. Starr- If Board were to deny this conditional use Mr. Millage would be paying the price for conditions created by others in the neighborhood. J. Contin- the problem will be compounded. A. Marotta- With an approval, the risk is being put back on the applicant with little to no negotiating power with the Board or Staff. Z. Shamsi-Basha- sympathizes with the affected party. A. Marotta- Is the adjacent Single Family area not a step down in zoning? It's not suppose to be there but it will always be there until something is destroyed beyond 51%. **Staff:** If the Site Plan were to come back before the Board, the community would again have the opportunity to speak about it.

Motion: Z. Shamsi-Basha moves to deny PZB 21-00500007 as the project does not meet the conditional use criteria specifically following reason 23.2-29.(e) impact to surrounding area; J. Contin 2nd.

Vote: 3/2 motion passes to deny the request; L. Starr and A. Marotta dissenting.

PLANNING ISSUES: None

PUBLIC COMMENTS (3 minute limit) None

DEPARTMENT REPORTS: None

BOARD MEMBER COMMENTS: None

ADJOURNMENT: 8:02 PM