



**MINUTES  
CITY OF LAKE WORTH BEACH  
PLANNING & ZONING BOARD REGULAR MEETING  
CITY HALL COMMISSION CHAMBER  
WEDNESDAY, DECEMBER 14, 2022 -- 6:00 PM**

**ROLL CALL and RECORDING OF ABSENCES:** Present were: Juan Contin, Chairman; Daniel Walesky, Vice-Chairman; Mark Humm; Edmond LeBlanc; Zade Shamsi-Basha; Alexander Cull; Evelin Urcuyo. Also present were: Abraham Fogel, Senior Community Planner; Scott Rodriguez, Principal Planner; Erin Sita, Assistant Director for Community Sustainability; Elizabeth Lenihan, Board Attorney; Sherie Coale, Board Secretary.

**PLEDGE OF ALLEGIANCE**

**ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA**

**APPROVAL OF MINUTES:**

- A. November 16, 2022 Planning & Zoning Board Minutes

**Motion:** D. Walesky moves to approve the November 16, 2022 minutes as presented; E. Urcuyo 2<sup>nd</sup>.

**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) Village Flats I  
Village Flats II  
The Perch  
123 Wellesley Drive

**WITHDRAWALS / POSTPONEMENTS** None

**CONSENT** None

**PUBLIC HEARINGS:**

**BOARD DISCLOSURE:** D. Walesky worked with an applicant on a previous project but can be unbiased. Z. Shamsi-Basha's wife is on the CRA Board, he has spoken casually about projects but can be unbiased. E. LeBlanc states his office worked on the previous iteration of the project. J. Contin has attended the neighborhood meetings, is the architect for a current project across the street.

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

**A. PZB Project Number 22-01500006:** Request by Brian Gong for consideration of a variance to the maximum allowable fence height and a variance to allow a pool (accessory structure) within the front yard at 123 Wellesley Drive. The subject site is zoned Single Family Residential (SFR) and has a future land use designation of Single Family Residential (SFR).

This item has an affected party participating in the Board hearing.

**Staff:** S. Rodriguez – Staff is making a recommendation of approval for variance allowing the pool in the front yard as the request meets all four variance criteria. The fence variance, however only meets one of the four criteria and staff recommends Board discussion regarding the height of the fence along the eastern portion of the site. The proposal is to exceed the code required height of four (4) feet to six (6) feet.

**Agent for the Applicant:** Wes Blackman-notice where fence height changes from four feet to six feet. Cites lack of privacy as a reason for increasing the fence height to six (6) feet. The first twenty feet of the front yard (front building line setback) shall not exceed the four (4) foot fence height.

**Affected Party:** Eleanor Schenk-1827 N Palmway – Affected Party presents packet to the Board and to the Agent for the Applicant. Affected party front door opens to the north into the applicant yard and will face a six (6) foot fence. Shows examples of four (4) foot fences with higher hedging behind. Believes this is an attractive solution as opposed to a six (6) foot fence. Has no objection to the pool only to the six (6) foot fence. Doesn't even know if she has an objection as she has only received a landscape plan. Needs to know the precise location of the pool and pool pump and mechanical equipment. Agrees with staff about four (4) foot fence with hedge. Has concerns with noise.

**Public Comment:** None

**Staff:** No cross examination of either party.

**Applicant Cross of Affected Party:** W. Blackman states the pool plans are in the Building Division with the permit, which is on hold pending the outcome of this process. Inquires of the affected party if there is a picture window facing into the applicant's yard. **Response:** Yes

**Affected Party Cross of Applicant:** Asks why there cannot be a four (4) foot fence with hedge behind? **Response:** It is a privacy issue for the street traffic. Mr. Blackman has letters of support from neighbors.

**Applicant:** They are working with a pool company and the plans indicate the mechanical will go in the back by the A/C unit.

**Board:** Chair inquires about the existing six (6) foot fence between the affected party and applicant.

**Affected party** states that is her fence for her pool privacy.

**Applicant:** It's a personal preference for a six (6) foot fence being cleaner and sleeker in appearance especially since there's already a fence there. Applicant prefers a six (6) foot fence over a four (4) foot fence with a nine (9) foot clusia hedge. Understands the neighbor would like a hedge.

**Board:** E. LeBlanc asks if the applicant be amenable to setting a six (6) foot fence back a bit to allow the neighbor to plant a hedge or vegetation.

**Affected party:** Ms. Schenk has concerns with future maintenance of the hedge.

**Board:** A six (6) foot fence could extend eastward stopping short of the first 20 feet by right. Currently it appears that when sitting on the existing patio, the affected party six (6) foot fence is there forward of the applicant front building line but on the side of the affected party property line.

**Applicant Closing:** Requesting a small variance given the six (6) foot fence can currently extend further by right.

**Affected Party Closing:** It is a narrow area and will detract from the value of her property. Still does not have a copy of the plan for where the pool equipment will be, or setback.

**Board:** Z. Shamsi-Basha- it makes sense to allow the fence for the balance of the permitted by right portion and the remaining 20-foot niche would be wrong. Believes they've met all the variance criteria for the pool and fence. Fence meets criteria because they can build up to line by right. #1-does meet criteria #2 =it does deprive them of reasonable use #3- is the least restrictive request. D. Walesky- not reasonable to assume that there will always be cooperation to maintain the staff suggested fence. Condition should preclude the installation of pool equipment. E. LeBlanc-Not easy to determine if affected party will experience a hardship with the solution. J. Contin-no variance is required for six (6) foot fencing right up to the 20-foot line. #1 It is not a typical lot-not afforded a back yard or side yard. M. Humm would like to have the fence and could dress up the fence with shrubs. E. Urcuyo believes there should be privacy whether landscaping or fence.

**Board Attorney** states facts should be put on the record as to why they agree or disagree.

**Motion:** Z. Shamsi-Basha moves to approve PZB 22-01500006 for a variance to the maximum allowable fence height and a variance to allow a pool (accessory structure) within the front yard including the Board recommended condition that the pool pump and mechanical equipment shall meet setback requirements and be installed in rear of property. The application meets the variance criteria based on the data and analysis in the staff report; A. Cull 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous

*Zade Shamsi-Basha recuses himself for the next three projects. Board Attorney advises as there is no conflict of interest, he cannot recuse himself. He feels he cannot be unbiased. and Juan Contin - Board Attorney recommends recusal for the Chair on all three projects. Conflicts arise when there is a special, private gain or loss (separate from financial) based on closer proximity, and impacted to a higher degree than the general community and are one of 100 or less persons who would be impacted to a greater degree, there would be a voting conflict of interest. **At 7:20 both Board members depart the dais.***

**B. PZB Project Number 22-01400016:** Consideration of a Major Site Plan, Conditional Use Permit (CUP), and Sustainable Bonus Incentive Program (SBIP) requests for the project commonly referred to as "The Perch" located at 7 North B Street. The project proposes to construct 3, 3-story, 18-unit multifamily development consisting of a 9-unit apartment-style building and a 9-unit townhouse-style building. The sustainable bonus request is for additional height. The property is zoned Mixed Use – East (MU-E) and has a future land use designation of Mixed Use – East (MU-E).

**Staff:** A. Fogel presents case details. Within the three buildings there will be one building with 9 apartment style units, one with 3 townhouse units and another with six townhouse units. The Sustainable Bonus Incentive is being utilized to achieve three (3) stories; provided will be a Public Art sculpture. The parking requirement is met through a combination of on-street parking, garage spaces and off-street spaces to total 35. There is a potential for a pocket park in the southeast corner of the property. The elevations show a Anglo-Dutch or Dutch Colonial style.

**Applicant:** Tim Carey-Inhabit Property Group-The RFP required that the building be architecturally significant which demanded the three-stories. Due to location it is a major thoroughfare entrance to the City. The RFP was awarded in November 2020, Village Flats was approved. The pandemic halted many things but they were given an opportunity to re-evaluate and meet with neighbors resulting in this product. How is the 20<sup>th</sup> century cottage architecture melded into modern townhome multifamily style? Opted for the missing middle housing (not mid-rises or single family). Had approximately eight neighborhood meetings and several walking tours. These structures can offer larger units to families, compared to some recently approved units, they are much larger. FDOT is trying to put in sidewalks in the area on the west side and on the southwest corner of the site to increase safety.

**Board:** Will the elevation of the site decrease? **Response:** a little but it is significantly higher. **Board:** that will keep the project nicely separated from the traffic. Would like to see the landscape plan and would like to review the sustainable bonus items to determine if there is a benefit to the public and City. **Staff:** The Sustainable Bonus Incentive Program requires that 50% of the total amount be paid to the City while

the applicant is proposing to provide Florida Green Building Certification for the other half of the incentive value. In this instance the total amount is \$60,517.60. LULA will review the sculpture prior to installation. The streetscape will be activated by the sculpture.

**Motion:** A. Cull moves to approve PZB 22-01400016 with staff recommended Conditions of Approval based upon competent substantial evidence in the staff report and in the testimony at the public hearing; E. LeBlanc 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**C. PZB Project Number 22-01400030:** Consideration of a Major Site Plan, Conditional Use Permit (CUP), and Sustainable Bonus Incentive Program (SBIP) requests for the project commonly referred to as “The Village Flats I” located at 1207/1209/1211/1213/ 1215 Lucerne Avenue and 1216/1220/1230 Lake Avenue for the establishment of 11 townhouse style units 3 studios for the total of 14 units. The sustainable bonus incentive program is for additional height and third story on the buildings fronting Lucerne Avenue. The subject site is zoned Mixed Use – East (MU-E) and has a future land use designation of Mixed Use – East (MU-E).

**Staff:** S. Rodriguez presents staff findings. The Sustainable Bonus request is for one additional story each on buildings 2 & 3, fronting Lucerne Avenue.. The total incentivized value is \$50,197.50 with half being due to the City and the other half to be provided through the Florida Green Building Certification. The buildings will contain a combination of townhouse and studio apartments. Buildings 1 and 4 are along Lake Avenue. Building 4 will have attached studios. Parking provided is 22 garage spaces, 10 off street and 13 on street spaces; 26 required with 45 provided.

**Applicant:** Tim Carey- Inhabit Group- This is scaled back from the previous approval. A live/work unit was difficult to achieve in a two-story structure hence the reason for the 3<sup>rd</sup> floor. Developer has met with neighborhood groups and the new design was met with positivity partly due to reduced height/mass from previous approval. The NSP2 funding required foot traffic, workforce housing, incentivize jobs.

**Board:** Parking seems to be in excess. **Response:** Based upon the 2-car garage design, four spaces are necessary (2 parking and 2 backup). Question about the impervious area? **Response:** With the grass-crete replacement in the courtyard, code will be met. Are the units for sale or rent? **Response:** For rent.

**Motion:** A. Cull moves to approve PZB 22-01400030 with staff recommended Conditions of Approval based upon competent substantial evidence provided in the staff report and testimony at the public hearing; E. LeBlanc 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**D. PZB Project Number 22-01400040:** Consideration of a Major Site Plan, Conditional Use Permit (CUP), and Sustainable Bonus Incentive Program (SBIP) requests for the project commonly referred to as “Village Flats II” located at 1401 Lucerne Avenue. The project proposes to construct a 2-story, 10-unit multifamily development consisting of a 5-unit townhouse-style building and a 5-unit apartment-style building. The property is zoned Mixed Use – East (MU-E) and has a future land use designation of Mixed Use – East (MU-E).

**Staff:** A. Fogel- The project also in of the Anglo-Caribbean style. Within the 10 dwelling units, the applicant will be providing one deed restricted, workforce housing unit. The SBIP amount due totals \$14,190.00 half of which may be provided in the form of on-site improvements. If not incorporated then the full amount would be due to the City. They are applying for Tier 1 Workforce Housing with a 15% density bonus.

**Board:** When will construction commence? **Response:** It is taking longer than usual, possibly 5 months.

**Board:** The impermeable surfaces requirement seems to be over the allowance. **Staff:** Yes, project is conditioned with grass-crete in the courtyards.

**Motion:** A. Cull moves to approve PZB 22-01400040 with staff recommended Conditions of Approval (including the condition # 3 amended that it shall be: ***restricted for workforce housing in accordance***

***with the City's Affordable Workforce Housing Program***, based upon competent substantial evidence in the staff report and in the testimony at the public hearing; E. Urcuyo 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**PLANNING ISSUES:**

**PUBLIC COMMENTS** (3 minute limit) None

**DEPARTMENT REPORTS:** None

**BOARD MEMBER COMMENTS:** The different projects are nice but how can the Board give/ create the opportunity for citizens/ residents of the City to become homeowners instead of renters? Suggestion of recommending to Commission the earmarking Sustainable Bonus Incentive money and other monies coming into the different programs for down payment assistance.

**Staff:** Can make a recommendation to establish a program to encourage home ownership but the City cannot mandate or regulate tenure (ownership versus rental) as part of the applications. This is outside of the purview of the Board as the Board Attorney has advised.

Would it be possible for the Board to receive the City workforce housing ordinance?

**Staff:** Everyone has access to this information through the City website. Within the Land Development Regulations shows the Ordinance 2022-12 to be codified soon. This is where it can be found.

**ADJOURNMENT:** 8:25 pm