



**MINUTES
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD REGULAR MEETING
BY TELECONFERENCE
WEDNESDAY, SEPTEMBER 02, 2020 -- 6:08 PM**

ROLL CALL and RECORDING OF ABSENCES: Present were: Greg Rice, Chairman; Anthony Marotta, Vice-Chairman; Mark Humm; Laura Starr; Daniel Tanner. Also Present: Alexis Rosenberg and Andrew Meyer, Senior Community Planners; Erin Sita, Asst. Director for Community Sustainability; Pamala Ryan, Board Attorney; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA:

Motion: M. Humm moves to approve the agenda; A. Marotta 2nd.

Vote: Ayes all, unanimous.

APPROVAL OF MINUTES:

Motion: M. Humm moves to approve August 5, 2020 Regular 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: Provided in meeting packet.

- 1) PZHP LDR 20-03100005 and 20-03100006 Proof
- 2) Dr. Spirits Proof

WITHDRAWALS / POSTPONEMENTS: None

CONSENT: None

PUBLIC HEARINGS:

BOARD DISCLOSURE: No disclosures by Board members.

UNFINISHED BUSINESS: None

NEW BUSINESS:

- A. PZB Project Number 20-00500010 and PZB Project Number 20-00600001:** A request for a conditional use permit to allow a specialty distillery/bar at 604 Lake Avenue, pursuant to the City of Lake Worth Beach Land Development Regulations (LDR's) Section 23.2-29,

Conditional use permits, and a request for two alcohol beverage distance waivers to allow the onsite consumption and the packaged sales of alcoholic beverages at the subject property.

Staff: A. Rosenberg presents the case findings and analysis. In addition to this Conditional Use application and the alcoholic beverage distance waivers, there are concurrent staff reviews of a Minor Site Plan amendment for building façade changes and Administrative Use permit to allow a restaurant operation at the location. There are two (2) phases to the project: (1) Remodel of the first floor for a distillery operation and (2) remodel of the second floor and balance of the first floor for a restaurant, bar and accessory office. There is a parking agreement with the owners of the parking lot to the north (601,605,607 Lucerne) which is under the same ownership as the subject site. Based upon staff analysis the proposal is consistent with the goals, objectives and policies of the Comprehensive Plan and Strategic Plan currently in effect. Despite inconsistencies with LDR's due to nonconforming landscape, front, side, rear setbacks, impermeable surface coverage and maximum impermeable surface for all structures, these items are not easily remedied, the proposed use would not be an expansion of those non-conformities.

Applicant: Daniel de Liege-Had the opportunity to locate the distillery anywhere in the State but wanted the right spot, Lake Worth Beach. There will be two phases. Phase one on the east side of the building, the Distillery, producing, tasting room and package sales with some retail. Phase two will feature the restaurant, Wild West Saloon, kitchen and accessory offices. The restaurant, Doc Holliday's, will not be sublet. Phase II will see the utilization of the entire parking lot with the exception of four (4) reserved spaces.

Board: L. Starr- had concerns regarding the lack of windows on the second floor, emergency exits and approximate opening date. **Applicant response:** There are no windows on second floor, emergency exits are as with any other building and the hope is to open the Distillery by the holidays and re-access the restaurant and bar in another 6-8 months depending on Covid-19. D. Tanner- has concerns with the phasing and potential delays in completion time and lastly if it could operate as only a distillery. **Applicant response:** G. Rice – asks if there are one or two leases. **Applicant response:** There are two leases; currently the State of Florida does not allow co-mingling. As regulated by the State, 6 bottles per year can be purchased by an individual and the applicant also self-reports or monitors this function. L. Starr – are there other Dr. Spirits? **Applicant response:** No, but there may eventually be other Doc Holliday's. Dr. Spirits have working stills for manufacturing, they are not trying to be a liquor store. Future plans may include bourbon and gin. L. Starr asks about the renderings depicting palms; the palms shown are existing with no space for additional landscaping. G. Rice asks when it will go to City Commission? **Staff response:** by the end of September.

Motion: A. Marotta moves to approve PZB 20-00500010, a Conditional Use Permit, based on the data and analysis in the staff report to allow a specialty distillery/bar use; L. Starr 2nd.

Vote: Ayes all, unanimous.

Motion: L. Starr moves to approve PZB 20-00600001, an Alcohol Beverage Distance Waiver, based on the data and analysis in the staff report to allow for the onsite consumption of alcoholic beverages; M. Humm 2nd.

Vote: Ayes all, unanimous.

Motion: M. Humm moves to approve PZB 20-00600001 with a staff condition limiting package sales to products produced on-site based on the data and analysis in the staff report for an Alcohol Beverage Distance Waiver to allow for packaged sales of alcoholic beverages at 604 Lake Avenue; L. Starr 2nd.

Vote: Ayes all, unanimous.

B. PZHP 20-03100006: Consideration of an ordinance (Ordinance # 2020-14) to amend Chapter 23 “Land Development Regulations” to update and clarify the quasi-judicial process for land use and zoning matters.

Board Attorney: Gives background/reasons for amending the procedures for quasi-judicial procedures, the new affected party section; and appeals in the case of decisions rendered by the Board, and recommendations to City Commission.

In the past, and atypically, “affected parties” would appear at Board meetings without notice to the Department. Quasi-judicial processes now include an ‘affected parties’ section with processes, {Section 23.2-16}, related decorum and procedures including cross examination by affected parties. Claiming affected party status will now require a minimum 10 day notice prior to the meeting.

Appeals would also be subject to the same with the presentation process along with a much narrower scope. The basis for the appeal must be presented and the appeal must go before the City Commission within 90 days.

Of note, some cities remand all affected parties suits directly to Circuit Court.

If an appeal included a Variance associated with or part of a larger project, the appellant would need to go to Circuit Court for a decision on the variance before the balance of the appeal would be heard by the City Commission.

Public Comment: None

Motion: L. Starr moves to recommend approval of the PZHP 20-03100006, the proposed Ordinance to the City Commission; A. Marotta 2nd.

Vote: Ayes all, unanimous.

C. PZHP 20-03100005: Consideration of an ordinance (Ordinance # 2020-13) to amend Chapter 23 “Land Development Regulations” to provide consistency and clarity for time limitations related to development orders and building permits.

Board Attorney: This revision would consolidate and clarify language related to expiration development orders related to finality of approval and construction projects. Previously both development order expiration was addressed individually within each development order type; now all will be addressed in a new Section 23.2-37, and modifications within the development types to correlate with the new section. Section 23.1-11 Time Limitations of Approvals supercedes Time Limitations of Approvals.

The Ordinance calls for automatic final expiration of no more than three (3) years for approvals without specific expiration dates and no more than four (4) years when conditioned by an expiration date in the development order. If a shorter period of expiration is provided by these LDR’s that shall apply. Phased Plans expirations provide that previously allocated dwelling units in principal structures that have not received a Certificate of Occupancy or equivalent, shall expire when the site plan expires. Any portion of a property not developed prior to the expiration shall not be developed without a new, approved site plan.

Also included are time limitations to apply for building permits as relates to approved projects. Applicants are now required to submit application for permits within 12 months of project approval (previously 18 months) unless granted an extension. Successive ownership changes do not change the time frames however two (2) successive six (6) month extensions of time to apply for

a permit may be granted by the Development Review Official (DRO) for good cause shown. Once application for permit is approved, the Building Official, at his discretion, may grant building permit extensions, in six (6) month increments. In no event shall this exceed three (3) years.

Board: G. Rice asks if the 3-4 years allows for the applicant to presume the longer period of time? E. Sita responds that it allows the Board or City Commission flexibility in setting time frame conditions with larger projects or phased projects. Most applicants apply for permits within 6 months, it will put an end to never ending construction sites.

Board Attorney: The Emergency Declarations by the Governor also provide extended time frames.

Public Comment: None

Motion: L. Starr moves to recommend approval **PZHP 20-03100005**, the proposed Ordinance to the City Commission; M. Humm 2nd.

PLANNING ISSUES: None.

PUBLIC COMMENTS (3 minute limit) None

DEPARTMENT REPORTS: There may be a joint workshop in October. Board Attorney relayed that after October 1, 2020, an in-person quorum may be required. The State did extend the moratorium on evictions, which conversely could be a sign that virtual quorums may also continue.

BOARD MEMBER COMMENTS: L. Starr inquires about the status of the Gulfstream Hotel project; J. Just mentions a recent neighborhood meeting.

ADJOURNMENT: 7:27 PM