



**MINUTES
CITY OF LAKE WORTH BEACH
HISTORIC RESOURCES PRESERVATION BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, NOVEMBER 18, 2020 -- 6:00 PM**

ROLL CALL and RECORDING OF ABSENCES: Present were William Feldkamp, Chairman; Judith Just, Vice-Chair; Robert D'Arinzo; Bernard Guthrie; Judith Fox; Ozzie Ona; Geoffrey Harris. Also present were: Abraham Fogel, Preservation Planner; Jordan Hodges, Senior Preservation Coordinator; Erin Sita, Assistant Director for Community Sustainability; William Waters, Director for Community Sustainability; Pamala Ryan, Board Attorney; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

Motion: J. Just moved to accept the agenda as presented; J. Fox 2nd.

Vote: Ayes all, unanimous.

APPROVAL OF MINUTES:

A. October 14, 2020 Regular Meeting Minutes

Motion: B. Guthrie moved to accept the minutes as presented; G. Harris 2nd.

Vote: Ayes all, unanimous.

CASES

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

PROOF OF PUBLICATION

1) 302 N. Lakeside Dr.

LDR Amendments Round 20-05

WITHDRAWALS / POSTPONEMENTS: None

CONSENT: None

PUBLIC HEARINGS:

BOARD DISCLOSURE: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

A. HRPB Project Number 20-00100205: A Certificate of Appropriateness for the construction of a ± 3,096 square foot single-family structure located at **302 North Lakeside Drive**, pursuant to but not limited to Sections 23.2-7, 23.3-7, and Section 23.5-4 of the Land Development Regulations. The subject property is located in the Single-Family Residential (SF-R) Zoning District and is located within the Old Lucerne Local Historic District.

Staff: J. Hodges presented staff findings and case analysis. The parcel shows to have been vacant since 1956. There have been two (2) previous approvals for new construction, 2012 and 2015 but neither were ever constructed. The proposal is of a contemporary architectural style. Site data requirements are met, despite exceeding the maximum allowed lot coverage, due to not exceeding 15 feet in height and incorporating sustainable features. Several landscaping features will contribute to that determination at time of permitting. Projected to be included are: a vertical garden on the fences fronting North Lakeside Drive and two (2) large bamboo groves. The construction will incorporate four (4) large volumes at staggered heights, incorporating a carport beneath the one volume and an above ground pool with raised rear deck to the east. The mounding of the soil on the parcel to meet FEMA base flood elevation works in conjunction with the four (4) massed units to give the appearance of a single-story home. New construction in historic districts creates an architectural record for present styles which adds to the chronology of building styles in the city. Staff's only concerns are for the lack of windows and doors on the north and south elevations. The large outswing doors and slender vertical windows are of differing proportions to the neighboring contributing structures. Several attributes are the coral stone accents and smooth stucco finish commonly found in historic districts. The flat roof, with lessened overall height, ensures visual compatibility with the nearby single-story structures.

Applicant: Mr. Gustavo Moro- preferred his previous approval of a two (2) story structure however changes to FEMA flood plain requirements rendered the structure unsustainable with the addition of three (3) additional feet in height. This design adjusts to that requirement and the forward (Lakeside) portion of the structure, in addition to the carport underneath, makes it feel as if it is floating.

Board: G. Harris asks about the gates on the northside as well as the entrance and how the applicant plans on having guests enter the property. Feels the elevations are not accurate or inconsistent, it's important for the Board to have a clearer vision/understand the juxtaposition of the structures and locations of windows; does not see steps down from the raised deck on the north elevation. The window size on the west elevation seems arbitrary with no hierarchy. Asks for an explanation of how the drainage will work. **Applicant response:** There will be cameras near the gates, the landscaping and hedging on the north property line will be set toward the line to allow passage between the house and landscape. Regarding the window size, he is open to considering a change. His experience as a landscape architect gives insight in directing the drainage via contouring on both the north and south sides toward the golf course. States the flat roof allows for easier control of the runoff. If the flow is catastrophic it will flow beneath the home.

Board: W. Feldkamp mentions that will be evaluated at time of permitting. J. Just mentions the north side setback of seven (7) feet does not allow for much contouring. The neighbor to the south does have runoff concerns. **Applicant response:** The bamboo groves on the north side will help with the runoff; they are clumping not running and the root mat will help. Has spent considerable time developing the first design and now a different design. J. Fox asks if the easement has already been granted? **Staff:** E. Sita - the lot is a 70-foot lot with 20 feet of it being a previously abandoned Right-of Way. W. Waters mentions the lot is a large lot, @ 50% bigger than a big lot. The 3/2 structure has been fit onto the lot with the entire easement area available to the City should it be necessary. The flat roof will allow for better control as opposed

to a pitched roof. **Applicant response:** The footprint of a single-story home is larger than a two-story home. **Board:** J. Fox asks about the glass door. **Applicant response:** He is willing to consider a wood door, comments regarding directing the water flow will be taken under consideration. **Board:** W. Feldkamp suggests a wider window style (i.e. double-hung) as opposed to the three narrow vertical windows in the front. Applicant is willing to work with staff.

Public Comment: One comment was received from Jeanne L. Thompson 311 N. Lakeside Drive, who was not in favor of the proposal due to style, size and height.

Board: B. Guthrie in recognizing the stormwater being directed toward the intracoastal (through the layout of the lot, could be of benefit as flooding has become an issue with built up ground along the intracoastal.

Applicant: Recognizes the sentiment of the public comment but mentions with the FEMA changes, the smaller cottages will become difficult to construct.

Motion: G. Harris moves to approve HRPB 20-00100205 based on competent, substantial evidence in the staff report and pursuant to the City of Lake Worth Beach Land Development Regulations with staff recommended conditions and the addition of a fifth condition: Prior to issuance of CO a 20-foot wide utility easement will be required to the north of the south property line.; O. Ona 2nd.

Vote: Ayes all, unanimous.

B. PZHP 20-03100008 (Ordinance 2020-20): Consideration of an ordinance to Chapter 23 “Land Development Regulations” regarding changes to temporary uses, home occupations and several minor modifications related to development standards for parking and accessory dwelling units, and maintenance easements on zero lot line properties.

Staff: E. Sita-gives a brief overview of the changes including three (3) feet zero-lot line maintenance easements, temporary uses, accessory dwelling units, home occupations in Mixed-Use districts only and parking requirements for accessory dwelling units and parking in-lieu of fee for the City core area only.

Board: W. Feldkamp asks to better understand the zero-lot line side maintenance. **Staff:** W. Waters clarifies the easement would allow for the maintenance of any building on the zero-lot line side(s). There are many downtown structures with this situation and many places with both sides being zero-lot line.

A new section for Temporary Uses and the establishment of the review criteria. An example would be a construction sales office for model homes. A temporary use permit will have a longer duration than a special event permit. **Board:** B. Guthrie asks if these use types were previously administered under Conditional Uses? Such as farmers market, pumpkin and tree sales? What enforcement is there for the new uses? **Staff:** No, they were operating in a vacuum. A lot of construction is on the way and the City is trying to get ahead of potential problems. The MID was able to utilize CRA land for worker parking, unlike the upcoming construction of the Bohemian with no available worker parking or staging of construction equipment. **Board:** B. Guthrie asks what teeth the City will have for enforcement if there is a problem with a Temporary Use permit. **Staff:** W. Waters explains it will be a delicate dance between the City, Public Works and PBSO. **Board:** B. Guthrie expresses concern about the ability to enforce in light of PBSO not enforcing City Ordinances. Makes comparison to Palm Beach and their police department enforcing the ordinances. **Staff:** W. Waters explains the City has initiated code enforcement and building staff

patrol on weekends, this will improve in the near future. Compassionate code compliance is coming to an end December 31.

Home occupation changes in the Mixed-Use districts will now be referred to as a Class 2 Professional Home Occupation. This allows for a residence, located within a Mixed-Use district only, to have a limited number of customers and employees with restrictions (similar to existing live/work units). This is separate from the Class 1 home occupation in other zoning districts. Covid-19 has led to an uptick in requests for working from home. Other municipalities have called asking for details on our prototype restrictions/regulations.

Board: W. Feldkamp clarifies essentially there are Class 1, Class 2, and Class 3 (live/work units) home occupations. W. Waters concurs. **Board:** B. Guthrie states in his neighborhood, a resident was operating outside the scope of the home occupation with employees and outside storage. When neighbors complained, there was no consequence. Questions the ability to enforce. Finds it ironic that only one business license is allowed at a commercial location versus up to three in a home occupation Class 1. **Staff:** W. Waters recalls that the instance was a request for a single business license to be issued for one location, with three separate entities, each corporately registered to the same person; this is governed by Florida Statutes for business license. The owners will have to be open to the inspection process on a regular basis, and is not a permitted-by-right process. Enforcement in the State of Florida is constrained by the fact that it is a property rights state. Preponderance of evidence is on the City to prove non-compliance. Restrictions are in place for this reason. The City cannot operate in fear of what might happen, it would stifle investment opportunities. HOA's and management companies will aid in the enforcement. It is primarily geared to areas along major thoroughfares, they may have been commercially zoned in the past.

Board: B. Guthrie asks about the parking in-lieu of fee. **Staff:** W. Waters is for the core area trust parking fund, the amount per space is \$15000.00 (which fluctuated from the original \$15000.00 to \$7500.00 and is now returned to the original amount.) This money may be utilized to improve parking only in the core area. The Bohemian will provide 110 public parking spaces in their garage.

Motion: B. Guthrie moves to recommend adoption of PZHP 20-03100008 (Ordinance 2020-20) to City Commission; J. Just 2nd.

Vote: Ayes all, unanimous

PLANNING ISSUES: None

PUBLIC COMMENTS: (3 minute limit): None

DEPARTMENT REPORTS: The Gulfstream will not be heard by the Board in December but most likely in January. The circle properties at the juncture of Lake and Lucerne are in preliminary talks with the City.

Staff: A. Fogel advises/apprises the Board of the condemnation of 129 South K Street, 2 structures and 4 dwelling units. A use and occupancy inspection and structural collapse of the building necessitates the action. The owner has plans for redevelopment.

BOARD MEMBER COMMENTS: J. Fox mentions the dirty sidewalks and wonders what can be done. Staff states some business owners expect the City to clean the sidewalks. R. D'Arinzo states it's unfortunate, some proprietors clean and care for the areas, others don't.

ADJOURNMENT: 7:49 PM