



**CITY OF LAKE WORTH**  
1900 2<sup>nd</sup> Ave N · Lake Worth, Florida 33461 · Phone: 561-586-1687

**Agenda**  
**Regular Meeting**  
**City of Lake Worth**  
**Planning & Zoning Board**  
**City Hall Commission Room**  
**7 North Dixie Hwy; Lake Worth, FL**

**WEDNESDAY, JUNE 01, 2016 6:00 PM**

1. Roll Call and Recording of Absences:  
Present: Mark Humm, Greg Rice, Anthony Marotta, Cindee Brown, Dustin Zacks, Ricardo Martin.  
Also present: Curt Thompson, Senior Community Planner; Maxime Ducoste, Assistant Director for Planning, Zoning, Historic Preservation; Carolyn Ansay, Board Attorney; Sherie Coale, Board Secretary.
2. **Pledge of Allegiance**
3. Additions/Deletions/Reordering and Approval of the Agenda:  
None
4. Approval of Minutes:
  - A. April 6, 2016 Meeting Minutes- With amended comment from Chairman Rice regarding vinyl fencing.  
**Motion:** C. Brown 2<sup>nd</sup> M. Humm  
**Vote:** Ayes all unanimous
  - B. May 4, 2016 Meeting Minutes  
**Motion:** C. Brown 2<sup>nd</sup> M. Humm  
**Vote:** Ayes all unanimous
5. Cases:
  - A. Swearing in of Staff and Applicants:
  - B. Proof of Publication:  
Provided
  - C. Withdrawals/Postponements:  
None
  - D. Consent:  
None
  - E. Public Hearings:
    1. Board Disclosure

1 disclosure-acknowledges he knows and has spoken to Darrin Engel, agent for West Village. Ricardo Martin- not to affect his decision

2. Cases:

- a. PZB 16-00300003 and 16-01300002 for Consideration of a recommendation for a Small Scale Future Land Use Map Amendment from the Palm Beach County Land Use designation of Commercial High Intensity/8 dwelling units per acre and Commercial Low Intensity/8 dwelling units per acre to a City of Lake Worth Future Land Use designation of Mixed Use West (MU-W); and Consideration of a recommendation for a Zoning Map Amendment from the Palm Beach County Multi Family Residential (RH)/Commercial Zoning District to the city of Lake Worth mixed Use-West (MU-W) Zoning District.

Staff member Curt Thompson provided a brief background of the Inter-local Service Boundary Agreement with Palm Beach County.

**Motion:** M. Humm recommends PZB 16-00300003 approval to the City Commission for the Future Land Use Map Amendment specifically those parcels recently annexed into the City through the Inter-Local Service Boundary Agreement. 2<sup>nd</sup> A. Marotta.

**Vote:** Ayes all, unanimous.

**Motion:** M. Humm recommends PZB 16-01300002 approval to the City Commission for the Rezoning specifically those parcels recently annexed into the City through the Inter-Local Service Boundary Agreement, 2<sup>nd</sup> A. Marotta.

**Vote:** Ayes all, unanimous.

F. Unfinished Business:

1. PZB 16-01400001 and PZB 16-00500001 Consideration of a request for a Major Site Plan and Conditional Land Use permit to allow the construction of eight (8) townhomes in a Mixed Use development with associated retail and services. The applicant is also requesting consideration of a Sustainable Bonus application for a 3<sup>rd</sup> story.

M. Ducoste reviews the previously approved variance from the major thoroughfare and has only one additional approval to be amended. Luna Park shall remain open to the public from dawn to dusk. The setback has been increased to 18 feet thereby satisfying the 3<sup>rd</sup> floor setback and providing the opportunity for the Sustainable Bonus.

Chairman Rice asks about the appearance of a different setbacks (staggered setbacks) as one approaches from the east to west direction. M. Ducoste reminded the Board the other structures were developed under the previous code.

Michael Pecar is pleased with the result, wishes there was a more urban feel but can live with the result. Darrin Engel indicates the trees will be preserved if possible, otherwise work within the code for mitigation.

D. Zacks asks about deed restrictions, Michael Pecar indicates at least 15 years with the intent/mission of Neighborhood Renaissance to make permanent affordable housing. The change to the Luna Park hours relates to daylight savings time vs standard time. They will be sold fee simple. They are undecided about selling the commercial building. The northeasterly garden for residents will be fenced, this is not the park intended to be utilized by the general public.

A. Marotta: raises a question about the Sustainability aspect and the two (2) parks. One is public the other is for residents only. The public park addresses portions of the Sustainable Bonus aspect.

Public Comment: None

**Motion:** C. Brown motions to approve PZB 16-0140000, the request for the Major Site Plan, 2<sup>nd</sup> M. Humm

**Vote:** Ayes 5/1 nay D. Zacks

**Motion:** C. Brown motions to approve PZB 16-00500001, the request for the Conditional Use with staff conditions, and #1 amended to read “ the proposed Luna Park Plaza shall remain open to the public from dawn to dusk and remain clear and clean of the trash or debris ”2<sup>nd</sup> M. Humm

**Vote:** Ayes 5/1 nay D. Zacks

G. New Business:

1. PZB 15-01400004 and 16-00500012 Consideration of a request for a Major Site Plan and Conditional Use approval to allow for a proposed single story financial institution with drive through facilities totaling +/- 3,691 square feet on a +/- 0.62 acre site in the Downtown (DT) zoning district. PCN# 38-43-44-21-15-512-0010.

Staff member Curt Thompson presents staff findings.

**Applicant:** Mark Rickards- The applicant waited for the LDR's to be changed thus enabling the project to move forward. The existing bank was built in the late 60's early 70's, all banks have become smaller due to the rise of online banking. The multi-story will become office space. Additionally there are no manned tellers at the detached drive through due to better technology. There will be a few added on-street parking spaces. The property will have two (2) parcel numbers, no need to subdivide or replat. The existing lobby will become office space. With the on-street parking there will be sufficient parking for each parcel to be independent of each other.

R. Martin asks whether the building is historic, Mr. Rickards provides that it is not, but to the right person/entity it could be repurposed, there is an increasing interest in mid-century styles.

C. Brown asks about utilities, Mr. Rickards indicates the alley is being used for the utilities (water, sewer, irrigation) and improvements will be made.

Applicant would like Condition #3 amended to read “all new signage” verbage instead of “all signage” to be inserted into condition. Applicant wants to retain existing Chase monument sign. Applicant is in agreement with the limitation on signage, but would like to keep the sign because it's a new sign.

Board Attorney suggests- all signage shall comply with requirement of Section 23.5.1, all new signage shall require approval at building permit.

**Public Comment:** None

**Motion:** C. Brown motions to approve PZB 15-01400004 2<sup>nd</sup> M. Humm.

**Vote:** Ayes all, unanimous.

**Motion:** C. Brown motions to approve PZB 16-00500012, Board Attorney reminds Board to include staff conditions and amended condition in the motion, to which C. Brown motions to approve PZB 16-00500012 subject to staff conditions of approval as modified and inserting the language at Condition #3 ‘all signage shall comply with requirement of Section 23.5.1, all new signage shall require approval at building permit’.

2<sup>nd</sup> Mark Humm.

**Vote:** Ayes all, unanimous

2. PZB 16-01400005 and PZB 16-00500006 Consideration of a Major Site Plan and Conditional Use applications to allow for the installation of a 2.01 Mega Watt DC Photovoltaic Solar System on the Lake Worth Landfill site.

Staff member Curt Thompson presents the case. Chairman asks about the size of the footprint. The site will be closed to the public, reviews the conditional use.

M. Ducoste requests the Board to please condition motion with “to include the COAs”.

**Applicant:** Mr. Joe Naroditsky presents details of the proposed site. There will be no penetration to the ground. The construction is in compliance with all SFWMD and EPA regulations.

There are two (2) entrances, access will be from E Street in order to minimize neighboring inconvenience. The site is closed to the public. There will be on-site washing during construction so as to preclude any construction debris on surrounding roads. Mock Roos, engineering firm, assisted with ground analysis to ensure integrity of underlying material. They are very familiar with site. There are several support layers before reaching the clay cap. Storm water analysis provides the entire site is impervious.

**Board:** G. Rice asks about neighborhood notification. Applicant states they have met the noticing requirements subsequently inviting neighborhood comment, participation etc.

M. Humm asks about anchorage to the ground.

R. Martin asks about length time of construction. Mr. Naroditsky anticipates six (6) months with pouring on site.

M. Humm asks where cells are made. Mr. Naroditsky will provide those details later. R. Martin asks about the reflection to surrounding areas. Nathaniel Dorr-As the panels are elevated, the tree line to east of array will deflect any reflections from homes and motorists, elevation is above the line of sight for motorists. Generates alternating current power enough for @ 340 homes. C. Brown asks about maintenance. Expected to be minimal, take care of landscaping, low intensity. G. Rice asks how and if the maintenance will be taken care of by LW Utilities. Brian Shields responds that L.W. Electric Utilities will be responsible for maintenance. Energy will be fed into LW utilities, it will be fed back into the grid. The energy will not be directed to any particular home, rather back into LW power. The savings will come from purchasing less fuel from FPL. There will be a transformer at the site and the city will bring in new overhead power lines running from east to west on E street, this will be in the dry retention area where ground penetration eliminating the possibility of a breach.

**Public Comment:**

- Robert Gorden- resident, notification by paper doesn't work, it should be done on foot. There are odors whenever they work on the dump. Doesn't want to lose 30 years of progress. The impact in this area is very heavy. Employee with the utilities department and states the dump odor is much worse than sewer treatment odors. Recognizes progress, exhorts the Board to continue asking questions. Don't be in a hurry to approve, rumors are not good.
- Rosiland Davis 15<sup>th</sup> Avenue resident there since 1986 and has friends who will not visit because of the smell. Safety is the concern. Fences are not being repaired. Let residents be informed and help them understand how the change could be beneficial. This is the first time she has heard about the transformers and overhead lines.
- Beverly Jordan Belle 633 Washington- has hurricane, safety concerns and discusses lack of face to face communication with neighborhood. People

should come and talk to the residents before putting this in place. Neighborhood group meets every 4<sup>th</sup> Wednesday of the month at the community gym.

Chairman Rice re-iterates the concerns of citizens in light of community comments.

**Applicant:** Communication aspects unfortunately it is not possible to get to everyone through mailings. Is willing to address concerns through a public forum and wants to be a good and lasting community partner. Applicant provides that security concerns are being addressed they have met with staff and discussed the nature of the fence, although it is the responsibility of the City to maintain the fence. As far as meeting hurricane standards, there are many engineer certifications on the line with the design and they can meet 170 mph wind load. Concerning the odor they have worked closely with Mock Roos who have made applicants' aware of the issues. Preventing/precluding the escape of odors, breach of the cap was one of the issues. SFWMD.

Chairman Rice asks about the possibility of adding on to the site. M. Humm inquires if there are other sites like this. Applicant indicates there are many throughout the country and the system of non-penetrating is the reason why it is utilized on the site.

R. Martin asks about the depth of the clay cap. Applicant states it is six (6) plus feet before reaching the clay cap then stone on top of the ground. R. Martin inquires about the possibility of the poles and transformer installation causing a breach. Applicant states they will be placed on a dry retention pond, not part of the dump. There is a preventive and remedial plan in place.

D. Zacks departs at 8:01 pm

R. Martin asks about the security. Brian Shields speaks for City Public Services, the prospect of increased vandalism will increase the maintenance demands in order to protect the investment.

Clint Socman- 6-7,00 odd pieces @ 55 lbs. could tip over, all bets are off in a category 5 storm. Most likely it would tip, certainly would fly and become windborne debris. School may or may not be an evacuation shelter. From where this array is built it is easily a 1/4 mile. Also there would be a mass evacuation with fair warning in a storm situation.

Chairman Rice believes in the future Commissioner Scott Maxwell would be able to arrange group meetings when moving forward with the balance of the site. M. Humm reminds the board the neighborhood meetings are the 4<sup>th</sup> Wednesday of every month.

R. Martin is in support of solar farm, it is far enough away from school and evacuation would be probable in storm conditions, security needs more work due to City's investment. Historically the site has not been maintained. City should move forward. No other Board comments.

**Motion:** A. Marotta moves to approve the request for the Major Site Plan, subject to the staff requested conditions. 2<sup>nd</sup> C. Brown.

A. Marotta amends motion to include the condition of meeting with the community within 60 days. 2<sup>nd</sup> C. Brown.

**Vote:** Ayes all, unanimous

**Motion:** A. Marotta moves to approve the Conditional Use subject to amended Conditions of Approval. 2<sup>nd</sup> C. Brown

**Vote:** ayes all, unanimous.

3. PZB 16-00000001 Consideration of a request to permit three (3) murals at 101 North B Street.  
C. Thompson presents the case and staff recommends approval with the completion of the removal agreement and no commercial advertisement. Curt clarifies in response to the question about if this was at any other location, would this be before the Board? Yes because the LDR's must be upheld no matter the location.  
**Motion:** C. Brown moves to approve with conditions as approved by staff. 2<sup>nd</sup> M. Humm.  
**Public Comment:** None  
**Vote:** Ayes all, unanimous.
  
4. PZB 16-00500014 Consideration of a Conditional Land Use application from CWS Restaurant to operate a bar with live entertainment.  
Curt presents the case. Administrative Assistant reads into record, 2 letters from citizens/business owners.  
Noise ordinance-  
**Applicant:** Jeff John, owner of the business, has been in business for about 12 years in Ft Lauderdale and is involved and familiar with noise abatement issues. Knows that it is tight quarters, plans to do everything to accommodate neighbors. Would like some different hour constraints, not bringing rock bands. Would be jazz and steel bands.  
**Public Comment:** Eric Brenier, of La Bonne Bouche Bistro, appreciates the neighbors business but requests the sound emanating from the establishment be controlled. Linda (head server) states patrons cannot hear each other when having a romantic French dinner. Happy hour music is not a problem, as they are closed, but requests there be no music from 6-9 pm during dinner hours.  
Jeff John, does not wish to be prejudged according to his predecessor's record (the Cottage) there will be small noise with a small bands.  
Chairman Rice lives across the street and hopes everyone can work together to enhance the community and bring people together.  
**Motion:** C. Brown moves to approve subject to staff recommendations 2<sup>nd</sup> M. Humm.  
**Vote:** Ayes all, unanimous.

Chairman Rice recognizes the citizens who come out to provide support to their communities.

6. Planning Issues:  
The Holiday Inn project is still in the works, slight delay due to Boutwell Road and intersection improvement discussions with Palm Beach County. Development continues as we are reviewing 7 projects, not all of which are coming to Board. At least one project seems promising and pleasing. Will provide an analysis of P&Z review numbers next month. Code amendments are proposed within a few months.
7. Public Comments (3 minute limit):  
None
8. Departmental Reports:  
None
9. Board Member Comments:  
Board appointments for Chairman Greg Rice, Vice-Chair Anthony Marotta and Dustin Zacks expire in July 2016. Board Attorney advises if there continued interest and a desire to remain on the Board, make it known to the appointing commissioners.
10. Adjournment: 9:10PM

June 1, 2016 Regular Meeting

Attest:

  
\_\_\_\_\_  
Greg Rice, Chairman

Submitted By:

  
\_\_\_\_\_  
Sherie Coale, Board Secretary

Minutes Approved:

6/19/16  
\_\_\_\_\_  
Date