



**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, MAY 04, 2016 6:03 PM**

1. Roll Call and Recording of Absences:

Present were: Mark Humm, Chairman Greg Rice, Vice-Chair Anthony Marotta, Cindee Brown, Dustin Zacks.

Also present were: Carolyn Ansay, Board Attorney; Curt Thompson, Senior Community Planner; Maxime Ducoste, Assistant Director Planning Zoning Historic Preservation; William Waters, Director for Community Sustainability; Board Secretary, Sherie Coale.

Absent: Elise LaTorre

2. **Pledge of Allegiance**

M. Humm led the pledge.

3. Additions/Deletions/Reordering and Approval of the Agenda:

M. Ducoste mentions corrections to project numbers.

**The following item was heard out of order. Chairman Rice inquired as to whether there were any objections to moving this item forward on the agenda. No objections were raised. The resident wishes to be heard earlier in order to attend another meeting (Cultural Arts Council), scheduled at 6:30 PM.**

**Public Comment:**

Mary Lindsey 327 Columbia Drive College Park- RE: Courtyards of Lake Worth. Expresses concerns regarding access from Columbia Drive to Spillway Park being closed off by the adjacent development. Questions how an entity can disregard the conditions of approval, specifically, condition #3 of the approval originally granted April 7, 2005 stating the "Egress/Ingress to Spillway Park to be open to the public, dawn to dusk, as approved by the City Attorney". Ms. Lindsey enters into the record a letter issued by Community Sustainability dated May 23, 2011 reiterating the conditions have not been modified since the original approval. Would like to know what "teeth" the Board actually has to enforce the conditions when the applicant chooses to ignore the conditions.

4. Approval of Minutes:

A. Meeting Minutes

1. April 6, 2016 Minutes RM – continued until June Meeting.

5. Cases:

A. Swearing in of Staff and Applicants:  
Board Secretary administered oath.

B. Proof of Publication:  
Provided in the meeting packet.

C. Withdrawals/Postponements:  
None

D. Consent:  
None

E. Public Hearings:

1. Board Disclosure  
No disclosures

D. Zacks states that Fun Depot is on the agenda but will not be influencing his decision.

2. Cases:

F. Unfinished Business:  
None

G. New Business:

1. PZB Project # 16-01500002 Consideration of a request for a Parking lot variance.

**Staff:** M. Ducoste presents the case, provides that at the time the building was constructed it was in compliance, with a re-write of the code it became non-compliant. The applicant currently has a court order requiring the site to include a handicap space. This change of parking configuration will lead to a deficiency of parking spaces but simultaneously will meet the ADA requirement thus fulfilling a different section of the code. Client did not create this hardship and staff recommends approval as the request has met the criteria for the granting of the variance.

**Board:** No Comments or questions.

**Public Comment:** None

**Motion:** M. Humm to approve the request C. Brown 2<sup>nd</sup>.

**Vote:** Ayes, all unanimous

2. PZB Project # 16-01400002 + 16-00500008- Consideration of a request for a Major Site Plan Amendment for renovation of an existing recreational building and site improvements and a Conditional Use for a +/- 26, 148 square foot new construction for bowling alleys and miniature golf. PCN# 38-43-44-20-01-031-0010 and 38-43-44-20-01-031-0020.

**Staff Comments:** C. Thompson presented an overview of the request and case. Mentions provided parking and abandonment of street. Staff recommends approval. The applicant will be adding additional landscaping along west property line. Changing out derelict chain link fence and the revitalization of currently deficient landscaping.

**Board Comments:** G. Rice asks about lot coverage and lighting. Staff believes it is prudent to condition the project so that lighting does not interfere with the Mobile Home Park. Asks about food stands.

**Applicant Comments:** Agent, Robert Kuoppala, for the owner states it is a family owned business and closing time will be about 11-12 pm. The lumen level at the south property line will be @ .3. Possibility of soft music only.

**Board** asks about traffic analysis and zoning reference. Staff indicates that is an error and traffic is vested, a portion of 10<sup>th</sup> Avenue North was granted an exemption by Palm Beach County, they do not anticipate an intensification of traffic. The noise ordinance states that 65 decibels is the maximum allowable at the property line.

**Public Comment:** None

**Motion:** D. Zacks, Major Site Plan, with the added condition that lighting in the miniature golf area shall not spill over the property line, A. Marotta 2<sup>nd</sup>.

**Vote:** Ayes all; unanimous

**Motion:** D. Zacks for the Conditional Use subject to conditions as stated in previous motion. C. Brown 2<sup>nd</sup>

**Vote:** Ayes all; unanimous

3. PZB Project #16-01400001, PZB 16-00500001 & PZB 16-0100003 Consideration of a request for a Major Site Plan, Conditional Use application and to construct eight (8) townhomes and +/- 1,993 square feet of associated retail space. Variances are also requested from the minimum front setback, the location of property frontage and additional setback above the second story requirements. 6:45 pm

**Staff:** C. Thompson provided a synopsis of the variances along with clarification from the Assistant Director Maxime Ducoste.. The second variance request is in regard to a tree. The tree in question is a Swietenia Mahogany. Other options to mitigate the tree would be relocation, payment into the tree fund. Staff provides that since the lot is vacant, the variances should be denied. As such the site plan, conditional use become a moot point as the variances are required with the current site plan configuration.

**Applicant:** Rick Gonzalez, REG Architects, the tree is not an issue, however the denial of the variance requesting a change from code for 3<sup>rd</sup> floor variance is a problem, believes the square footage for living is necessary and the denial of the variance from the 3<sup>rd</sup> floor setback requirement will not work.

**Applicant:** Darrin Engel indicates the tree is an endangered species of mahogany in South Florida. He has met with the city forester David McGrew and Landscape Architect Wayne Villavasa. The preference is to maintain it in Luna Park. The plan calls for mitigation of a sable and black olives. Power point presentation gives perspectives of site with remaining trees. 7:12 pm

Elements from the comprehensive plan are discussed as it relates to encouraging development. Applicant states the request is not for increased intensity. 2,200 square foot livable space is the minimal desirable/feasible. The variance from the 3<sup>rd</sup> story setback request is a minimal request. Applicant addresses the variance criteria. 7:30 pm

**Staff:** M. Ducoste reminds Board that the project meets the intent of the comprehensive plan. The project can be designed to meet the code and comp plan. It is a vacant lot and if re-designed there is no need for the two variances. The criteria of hardship cannot be demonstrated since the lot is vacant. Setbacks can be met with redesign. Can be designed to achieve a reasonable use of the land. Applicant has purposefully chosen to design the project that are in conflict with the city's sustainable bonus incentive. External criteria such as cost of building/economics is not part of the criteria. Can be a slippery slope, we must be careful in reviewing variances.

7:40pm

William Waters - the reason for the donation to the CRA, as presented by the applicant, premise #4 and #2 are incorrect. City did request the 8 foot setback and is not adverse to 3-story buildings. An example of that is not presented as it is not appropriate to show someone else's work. Intent of the code has been misrepresented. As an author of the code, the intent is fully known.

G. Rice asks if it is a matter of terminology, townhouse as opposed to live/work units?

William Waters clarifies the townhouse requires conditional use. This is the marriage of 3 different sections of the code. Explains the sustainable bonus program.

Several developments were mentioned and they were vested under the old code.

G. Rice believes that additional setback gives less of a retail feel, but also understands the desire to get rid of a boxy feel to the streetscape.

CRA Director Joan Oliva states the original concept was for eleven (11) condo units and did not have a commercial element. Indicates this is trying to fill a void in Palm Beach County for affordable housing and build the best product within the budget.

C. Brown asks why they don't just build back the 8 feet.

**Applicant:** Michael Pecar sees it as a 16 foot setback. Since there is a work studio on lower level and garage, \$200 K price and believes a 2,000 foot square foot unit.

Rick Gonzales states there should not be a concern about setting a precedent with granting of the variances as the conditions to the project are unique, that no other project like this will be will be brought forward/proposed on the major thoroughfares.

G. Rice is not crazy about the 16 feet setback, asks about cantilever on back. Michael Pecar states that would cause an increase in impervious site coverage.

C. Brown is in favor of saving the tree.

A. Marotta asks about square footage of units 2,000-2,200 square feet-response: 640 1<sup>st</sup> floor ½ studio and ½ garage, A/c space is @ 1600 square feet. Conflicting statements: Why we should be concerned this will never happen again when you have presented examples of what has already been built as a justification for why this project should be allowed to proceed as presented.

A. Marotta- should not approve as it is in conflict and can be designed otherwise.

Michael Pecar: product is being built to sell, yes there are other ways to design it economics do.

William Waters-shift entire building back 10-18 feet would be an acceptable change. Because sidewalk is narrow, it would allow a straight up design if it were pushed back to 18 feet. It allows for a more pedestrian feeling and better for the green space trees.

G. Rice feels the difference between live/work and townhomes are different. William Waters states it makes no difference with the commercial component.

Discussion of sidewalk width.

**Public Comment:**

8:12 pm

Fred Schmid 1106 Lucerne is concerned about access through his property/alleyway on the north side of project.

**Applicant:** Michael Pecar adds that the commercial parking is on the street, the alley is only for access by the residents. A count of on street spaces indicates there are eleven (11).

8:20 pm

**Public Comment:**

Chip Guthrie: CRA Board member and resident of City. Aesthetics are great as one travels west, additional setback eliminates the condo canyon feel. Sites various places throughout the city similar in height. Talks about potential uses.

Ashley Nardone 1202 Lucerne Ave: Art Lofts Resident- inspired by the trees, keep the trees and do not lose the square footage.

Louise Noakes 1202B: Art Lofts Resident: concurs with previous speaker. 8:24 pm

Andre Lambracas: also lives there

Board: A. Marotta asks why the commercial space was added.

Michael Pecar: It is a component of a mixed use development and an attraction to the area.

Tax benefit for up to 10 years but would prefer 30 years.

What is the alternative for the tree? Mitigation? William Waters states root pruning and deep fertilization, example given is the Banyan downtown West Palm Beach and is very successful. A. Marotta then questions if it is of the opinion of staff the variance for the 2 foot for the tree is unnecessary. William Waters concurs. G. Rice states a mahogany is different from a Banyan, William Waters clarifies the root systems are different and mahogany will actually fare better.

D. Zacks does not feel if variances are denied the applicant will not be denied all reasonable use of the land thus failing to meet that criteria.

G. Rice-redevelopment, housing development are community benefits, safe communities in the areas west of town. Staff agrees, simply that it does not meet code. The appropriate method would be to change code through a text amendment.

Asks about a text amendment and William Waters states @ 120 days encompassing both Boards then on to City Commission for final approvals. Board discusses this possibility. Board could direct staff to proceed with Code amendment, depending on how Board votes on project.

Could vote on 1 variance, table all others and continue to a date uncertain.

C. Ansay continuances to 6 months plus one month will keep noticing alive.

Michael Pecar speaks to CRA funding having deadlines. CRA would have to go back to the CRA board, end of year funds will expire.

Variance

**Motion:** A. Marotta- PZB 1601500003 variance from the Design Guidelines for Major Thoroughfares and Section 23.3-13 (Mixed-Use East) as based upon the findings of fact during the quasi-judicial hearings.

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

**Vote:** Ayes all unanimous

Motion: A. Marotta -Move for an extension of up to 6 months for PZB 16-01500004 and PZB 16-01500005.

C. Brown 2<sup>nd</sup>

Public Comment: Once the text amendment catches up to the variance, the variance will not be necessary.

C. Ansay- cannot base it upon future possible existing conditions that may or may not be approved through the text amendment.

**Vote:** Ayes all unanimous

**Motion:** M. Humm moves to direct staff to investigate the feasibility and applicability of a text amendment affecting the setbacks of the Sustainable Bonus Incentive Program.

C. Brown 2<sup>nd</sup>.

**Vote:** Ayes all unanimous

**Motion:** A. Marotta moves to continue PZB 16-01400001 and PZB 16-00500001 for up to 6 months.

C. Brown 2<sup>nd</sup>

**Vote:** Ayes all unanimous

6. Planning Issues:

William Waters provides a progress update with several items including the May 17 change to the LDR's before the City Commission, upcoming EAR reports, and planned workshops.

Other items under review at this time include the Holiday Inn at 10<sup>th</sup> Ave North and Boutwell Road and the Solar Farm proposed at the City Landfill site. Investigation was conducted regarding the height of a fence in question on 10<sup>th</sup> Avenue North and it was determined the height was allowed as it is within the Mixed-Use East zoning district.

Brian Shields was introduced to the Board brings a wealth of site plan review experience. Mention was made of the enclave agreement being fulfilled with Palm Beach County leading to the annexation, land use and rezoning changes to areas generally west and north of Boutwell Road and 10<sup>th</sup> Avenue North. In budget season, 2014 Building Code and Flood Plain Management amendments approved at previous City Commission meeting.

7. Public Comments (3 minute limit):

8. Departmental Reports:

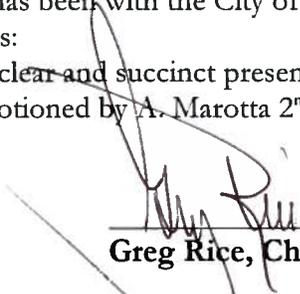
Director William Waters has been with the City of Lake Worth for 5 years now.

9. Board Member Comments:

D. Zacks thanks staff for clear and succinct presentation.

10. Adjournment: 9:02 pm Motioned by A. Marotta 2<sup>nd</sup> by M. Humm.

Attest:

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

Submitted By:

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

Minutes Approved:

  
\_\_\_\_\_  
Date