CITY OF LAKE WORTH
1900 2nd 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, JULY 06, 2016 6:02 PM

1. Roll Call and Recording of Absences:
   Present were: Greg Rice, Chairman; Anthony Marotta, Vice Chairman; Mark Humm; Dustin Zacks; Ricardo Martin.

   Absent Cindee Brown

   Also present were: Curt Thompson, Senior Community Planner; Maxime Ducoste, Asst. Director for Planning, Zoning, and Historic Preservation; Brian Shutt, Board Attorney; Sherie Coale, Board Secretary.

2. **Pledge of Allegiance**

3. Additions/Deletions/Reordering and Approval of the Agenda:
   Request to continue New Business Item G.1. to a date certain of August 3, 2016.
   Motion: M. Humm , A. Marotta 2nd .
   Vote: Ayes all, unanimous

4. Approval of Minutes:

   A. Meeting Minutes

      1. June Minutes
         Motion to accept June minutes: A. Marotta motion, M. Humm 2nd.
         Vote: Ayes all, unanimous

5. Cases:

   A. Swearing in of Staff and Applicants:
      Board Secretary swore in all persons wishing to speak before the Board.
   B. Proof of Publication:
      Accepted and provided in the meeting packet.
   C. Withdrawals/Postponements: Continuance of Item G.1 to a date certain August 3, 2016 6:00 PM or as soon thereafter as the agenda permits, due to improper courtesy noticing.

D. Consent: None

E. Public Hearings:

1. Board Disclosure: None

2. Cases:

F. Unfinished Business:
None

G. New Business:

1. PZB 16-01400010 & PZB 16-00500010 A request for a Minor Site Plan and Conditional Use Permit to allow for a +/- 6,501 square foot multi-use commercial retail project with drive through facilities on a +/- 39,825 square foot (+/- .91 acre) site in the Downtown (DT) zoning district pursuant to Sections 23.2-29, 23.2-30, 23.2-31, 23.2-32 of the LDRs. The subject parcel locations: 127 North Dixie Highway PCN# 38-43-44-21-15-016-0130; 120 North H Street PCN# 38-43-44-21-15-016-0040; 124 North H Street PCN# 38-43-44-21-15-016-0060; 128 North H Street PCN# 38-43-44-21-15-016-0071.
Motion: Continued to August 3, 2016 6:00 PM
Vote: Ayes all, unanimous.
2. PZB 16-01400009 & PZB 16-00500009 Requests for a Major Site Plan and Conditional Use Permit to allow for the construction of a 4 story mixed use building (+/- 30,772 square feet) consisting of a ground level parking area with a +/- 3,386 square foot retail commercial area, a public plaza and three floors consisting of 14 dwelling units located on a +/- 20,250 square foot parcel located at 1 South Palmway, on the southwest corner of Lake Avenue and South Palmway, PCN 38-43-44-21-15-029-0090, in the Downtown (DT) zoning district. Pursuant to Sections 23.2-29, 23.2-30, 23.2-31, 23.2-32 of the LDRs.
Senior Community Planner, Curt Thompson presents the case findings and recommends approval of the Major Site Plan, and Conditional Use. Maxime Ducoste provides the applicant is proposing to relocate on site mahoganies to the south property line despite no requirement for buffering.
Applicant: Jean Francois Gervais, Architect, designed the building to enhance the neighborhood, points out the architectural features, glass and light.
Discussion about landscape planters, access to the building.
A. Marotta inquires about the parking calculation and requests clarification. Asks about 25 % reduction to mixed use development. M. Ducoste clarifies this is a mixed use development (as opposed to Mixed Use District). Jeff Mercier, owner/developer clarifies the parking spaces will be assigned.
Currently there are no gates in garage / parking however there is controlled access to the residential areas. A price range has not yet been established. Owner/developer may be renting or selling the commercial space, it has not yet been determined. The 14 residential units are for sale not rental. 9'6" ceiling height in units, 15 feet ceiling height in commercial space. The size of the complex does not necessitate a gym or pool, only a lounging area located on the roof which is not intended to be a gathering place, just and outdoor space catering to the residents only.

Public Comments: Darrin Engel, 328 Ocean Breeze, comments on the lack of shade trees on Lake Avenue and N. Palmway for pedestrian comfort. Believes palms do not provide the needed shade. Although the Mahoganies are proposed to be relocated to the south property line, would like to see Mahoganies preserved in place or mitigate with shade trees.

Herman Robinson: Ocean Breeze- Could the conditions be condensed and repeated for the public not present, would like public to see the presentation on the screen, asks about additional cameras. Sustainable Bonus possibly tied to a parking structure in downtown.

William Feldkamp 108 Lake Ave – Similarities between where he lives and this proposed structure, has parking garage that is not gated but assigned parking. Agrees with D. Engel assessment of the shade trees. Asks if A/C will be screened if it is on the roof. Comments the turning radius at dumpster appears to be tight.

Applicant: Responds that A/C on roof will be screened.

Board: M. Humm asks about height of shade trees currently. If the shade trees are blocking the view, what's the point of buying there. Suggests trellis or exploring other options.

Staff: M. Ducoste states the conditions could be amended, however it currently meets the landscape code and cautions about going above code. Tedious for applicant to approach DOT regarding trees in the State Right-of-Way.

Board: G. Rice states the 45-foot structure on the south side of the street, will provide shade when the sun is in the southern sky.

Applicant: Jean Francois Gervais states the Applicant and Architect will replace the palms with hardwood if so desired.

Marc Andre Levesque-Alley will be increased from 10 feet to 12 feet in width to accommodate the turning radius, discussion of roll out dumpsters. M. Ducoste states this was reviewed by and is agreeable to Public Works.

Board: R. Martin comments it is certainly an urban downtown design and hopefully encourages further development, there seems to be plenty of parking in the area, hopes other corner (to the east) will come forward with something similar and is pleased with the expressed interest in the area.

Board asks Jean Francois Gervais, Architect, to restate the intent to put shade trees instead of palms with the code limit.

Board: G. Rice asks about likelihood of applicant successfully approaching DOT to bear the cost of replacing the palms along Lake Avenue.

Public Comment: Joseph Torres purchased 5th & 8th Street. Trees should be trimmed, maintained in order for business encouragement and safety of citizens.

Board: M. Humm provides a contact for citizen to meet with a local group (Tropical Ridge area) to express concerns.

Motion: M. Humm MSP A. Marotta 2nd with the addendum the applicant has agreed upon for shade trees to replace the palm trees on the applicant property.

Vote: Ayes all, unanimous

Motion: A. Marotta for COUS 2nd M. Humm

Vote: Ayes all, unanimous.

3. PZB 16-01500007 & PZB 16-01500008 & PZB 16-01500009 A request for three variances to allow for an addition to an existing residence (lot coverage requirement), a swimming pool in the front setback and relief from the sight visibility triangle requirement, pursuant to Sections 23.2-26, 23.3-7 and 23.4-4 of the Land Development

Regulations (LDRs). Located in the Single Family Residential (SFR) zoning district PCN 38-43-44-15-15-000-0200.

Staff: Senior Community Planner, Curt Thompson presents staff findings. M. Ducoste clarifies the criteria for the basis of decisions. Explains the resolution to each request and how no hardship criteria has not been met, it is a self-imposed hardship. The wall can be moved outside of the sight triangle, engineering methods are available that could support the 2nd floor and a pool can be placed in the rear of the property. Although it may not be as proposed by the applicant, there is nothing depriving the applicant of all reasonable use of the property, which is a single family residence.

Applicant: Daniel Becker – trying to preserve a piece of Lake Worth. Deep setbacks are many in the College Park area making it hard to achieve. States it is within his right to have these things. In addressing the pool- unnecessary hardship to demolish the house to achieve the pool. Impermeable – has scaled back and needs additional square footage necessary for family circumstance. Unnecessary and costly hardship to reinforce the foundation. On the contrary the improvements will enhance the neighborhood. Visibility triangle- cites Public Services department response providing relief to the code requirement, no reason to enforce the sight visibility triangle. Enforcing the code regarding sight visibility triangle doesn't provide benefits to the community. Believes there are limits to the power of the board to enforce that portion of the code since it doesn't provide benefits to the community.

Board: G. Rice asks about windows, asks about this being a recent purchase and whether applicant looked over wall to the south, at front yard pool. Various comparisons to other municipalities and their codes and variance criteria. Each property is unique, in light of the uniqueness can the hardship criteria be met?

A. Marotta less than 6 months ago a plan was denied re: visibility triangle. M. Humm asks about the possibility of increasing the radius of the curvature to the wall. R. Martin also asks about the reduction of length of the pool. Applicant states he is meeting the intent of the code with regard to the sight visibility triangle. The pool at 2216 N Lakeside was approved Feb 2 2005 despite staff recommended denial.

Applicant states that if the lot frontage were onto Harbor Drive, the pool would be permitted by right as it would be in the side yard. As the proposed plans show, the house will front on Harbor Drive as opposed to where it is currently located on Lakeside. Wall material is conceptual at this point but possibly would be masonry. A. Marotta states he would not be in favor because aesthetics do not constitute a hardship. Applicant states the hardship is the distance the house is setback from the front. A. Marotta states that he is generally in favor of a improvements however sees the need for consistency and does not see hardship

Dustin Zacks departs at 8:08 PM

A. Marotta inquires about the use of pilings, as recommended by the soil analysis, to be used for achieving the height, thus a solution to the lot coverage. M. Ducoste suggests that Sustainable Bonus features could be included in the construction of the house, effectively this is a "new" house so reconfiguration to meet code is possible.

R. Martin suggests several solutions to the lot coverage and wall, would not like the pool relocated to the back yard but does not wish to go against code.

Public Comment: Marilu Machin, 27 Harbor Drive, here to support neighbor for variance for the front yard pool. Believes applicant is trying to improve the neighborhood and to put his family in a nice home. States many other areas of College

Park where you can see front yard pools. This property has a very small area in the back. She has lived there 20 years and believes it will enhance everyone's property.
Board Secretary read 2 letters of support into the record. Terry Dotter-33 Harbor Drive; and Michael & Alissa Lamoureux - 2212 N Lakeside Drive.
Motion: A. Marotta motions to deny the location of the wall in the sight visibility triangle M. Humm 2nd. Chairman G. Rice clarifies and reiterates that we have discussed possible solutions for the applicant.
Vote: Ayes all, unanimous. Denied.
Motion: R. Martin motions to approve the location of the proposed pool in the front yard. M. Humm 2nd.
Vote: 3 ayes/1 nay A. Marotta opposed.
Motion: R. Martin motions to deny the lot coverage variance. M. Humm 2nd
Vote: Ayes all, unanimous. Denied.
A. Marotta likes the looks of the proposal, applauds the applicant but will not go against code.
G. Rice appreciates the parapet detail of clerestory windows. Suggests these issues may be something to revisit during LDR development.

6. Planning Issues:
   Joint workshop tentatively planned for LDR review on July 20, 2016. Impermeable lot coverage was previously at a more generous percentage re: runoff if we need to increase again then we will revisit. A. Marotta asks about mitigating surface water runoff with a sustainable bonus item i.e. a cistern, M. Ducoste states it could be part of Sustainable Bonus. College Park has some of the largest homes in the City.
   Assistant Director for Planning Zoning Historic Preservation gives brief quantitative overview / shares the amount of work / level of service that staff provides.

7. Public Comments (3 minute limit):
   Mary Lindsay- College Park 327 Columbia Drive. Brings up the previously introduced access to the park. The Courtyard has been handing out keys individually to access Spillway Park. It has been 2 months and nothing has happened. The most upset people have their own keys. But the conditions are not being enforced, or there is not a will to enforce. Which conditions matter and which don't. Board should direct staff or put it on an agenda themselves. 2011 was when the gate was locked. There is nothing left to re-consider. A. Marotta recently sent William Waters, Director for Community Sustainability, an email, to which he did not yet have an answer. M. Ducoste states it is being reviewed by legal and it may be at the least a code case. Ms. Lindsay states 2 months of we are still looking into it is not an answer.

   Board Attorney Brian Shutt spoke with Board Attorney Carolyn Ansay. M. Ducoste suggests if condition is violated, it is an offense. The enforcement is the difficult part. Board Attorney reiterates that code enforcement is not the most expedient path to a resolution.

8. Departmental Reports:
   None
9. Board Member Comments:
   G. Rice thanks Senior Community Planner for his time in preparation for tonight.
10. Adjournment: 8:54 PM

Attest: _____
Greg Rice, Chairman

Submitted By: _____
Sherie Coale, Board Secretary

Minutes Approved: 8/3/16
Date