



MINUTES
CITY OF LAKE WORTH BEACH
HISTORIC RESOURCES PRESERVATION BOARD MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, MARCH 13, 2024 -- 6:00 PM

ROLL CALL and RECORDING OF ABSENCES: Present were: Nadine Heitz, Vice-Chair; Ed LeBlanc; Laura Devlin; Ed Deveaux. Elaine DeRiso arrives 6:08 pm. Also present were: A. Greening, Senior Preservation Planner; Scott Rodriguez, Asst. Director for Planning & Preservation; William Waters, Director for Community Sustainability; Elizabeth Lenihan, Board Attorney; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA None

APPROVAL OF MINUTES:

A. January 10, 2024 Meeting Minutes

February 14, 2024 Meeting Minutes

Motion: L. Devlin moves to approve the January 10, 2024 Meeting minutes as presented; E. Deveaux
2nd **Vote:** Ayes all, unanimous

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CASES

SWEARING IN OF STAFF AND APPLICANTS Board Secretary administered oath to those wishing to give testimony.

PROOF OF PUBLICATION Provided in the meeting packet along with the previously advertised (Jan. 2024) 826 Sunset Drive.

1) 927 South Palmway

804 Lake Avenue

403 South Ocean Breeze

WITHDRAWALS / POSTPONEMENTS None

PUBLIC HEARINGS:

BOARD DISCLOSURE: A neighbor approached Mr. Deveaux however he never discussed the application or situation.

UNFINISHED BUSINESS: None

NEW BUSINESS:

A. HRPB Project Number 24-00600001: Consideration of an alcoholic beverage distance waiver to allow non-package sales of wine for on-site consumption at V Gallery at 804 Lake Avenue. The subject property is a contributing resource to the Old Lucerne National Historic District and is located in the Downtown (DT) zoning district. The future land use designation is Downtown Mixed Use (DMU).

Staff: A. Greening presents case analysis. V-Gallery is an existing art gallery which is requesting wine sales by the glass, not package to allow the clientele to partake as they browse the art work or attend events. City code requires a separation of 500 linear feet from others establishments selling alcohol and protected land uses. As this is downtown, and many other establishments exist that are selling alcohol, Code allows for a waiver. No exterior improvements are requested.

Board: Members ask why the Board is reviewing this item since it has nothing to do with exterior renovations? Clarification of the reason or need of a waiver. Is there employee training to ascertain the signs of intoxication? How does it improve the nature of the business?

Applicant: Steve Sposato- Trying to get the clientele to linger longer while in the gallery. Is the only one providing the drinks and has been tending bar for over 35 years.

Public Comment: None

Motion: E. DeRiso moves to approve HRPB 24-00600001 with Conditions of Approval based upon the competent substantial evidence in the staff report and pursuant to the City of Lake Beach Land Development Regulations; L. Devlin 2nd.

Vote: Ayes all, unanimous.

B. HRPB Project Number 23-00100248: Consideration of a Certificate of Appropriateness (COA) for an addition on the northwest corner of the existing principal structure (Phase I) and demolition of the existing garage to build a new two (2) story accessory structure (Phase II) at 403 South Ocean Breeze. The subject property is a contributing resource to the South Palm Park District and is located in the Multi-Family Residential (MF-20) Zoning District.

Staff: A. Greening-The request entails several parts including demolition of a non-contributing existing accessory structure, garage. It is recommended to remain non-contributing. Staff contends it would meet requirements for demolition. This area would become a new accessory structure with a carport and 2nd floor guesthouse. Parking and the backout distance into the alley is deficient, by approximately three (3) feet as well as needing an improved surface. Proposed is a bungalow style structure with elements of stucco, roofing and windows related to the contributing structure; differentiation is achieved through the structure setbacks, door and column styles.

The streetscape indicates it is compatible with the surrounding two-story structures.

The addition would add a master suite, closet and patio. The differentiation is shown primarily through the offset setbacks.

Public Comments: None

Board: Is it overbuilt for the lot size and will pavers cause less pervious? **Response:** No, the MF-20 zoning district allows for more flexibility than would be allowed in a SFR zoning district, would be well within the impermeable requirements. Normally addressed at time of permit or be brought back to Board if non-conformities continue to exist.

Why are they not allowed to utilize on-street space? **Response:** Existing duplex requires a total of 3 off-street parking spaces. Two spaces on-site would decrease the non-conformity; while on-street parking only counts as 50% of the required spaces, the one on-street space would bring them into compliance.

The guesthouse would not be a legal accessory dwelling unit, only a kitchenette is included. Not an income producing unit.

Has the applicant agreed to or not objected to the Conditions? **Response:** The applicant has not had any questions. What will the green space look like? **Response:** They will need to provide a landscape plan at time of permit. Is it unusual to have to utilize an outside staircase? **Response:** It may save on interior space.

Public Comment: None

Motion: E. LeBlanc moves to approve HRPB 23-00100248 for the demolition of an existing accessory structure; construction of a new accessory structure and addition to the primary structure with Conditions of Approval based upon competent substantial evidence in the staff report and pursuant to the City of Lake Worth Beach Land Development Regulations and Historic Preservation requirements; L. Devlin 2nd.

Vote: Ayes all, unanimous.

C. HRPB Project Number 24-00100032: Consideration of a Certificate of Appropriateness (COA) for construction of a new single-family residential structure at 927 South Palmway. The subject property is a non-contributing resource to the South Palm Park Historic District and is located in the Single Family Residential (SFR) Zoning District. The future land use designation is Single Family Residential (SFR).

Staff: A. Greening provides background information for the parcel and structures. The proposal would change the existing contributing structure to guesthouse while constructing a new primary dwelling unit in front of the guesthouse. The proposal would be nearly in compliance with zoning code with the exception of the base flood elevation. Current base flood zone is six (6) feet and the pending flood zone would be nine (9) feet. The streetscape drawings show the 2-story as taller than the adjacent homes. The proposed base flood elevation is 18 inches above the crown of road. They will have to meet the base flood elevation at time of permit. Should the design and height substantially change, the applicant would need to return to the Board.

The design is generally compatible with Med-Rev style but concerns exist about scale, mass and height. Other elements would be an asymmetrical design and elaborate ornamentation that is not evident. Surrounding properties are generally low, single-story houses. The visibility of the historic structure is provided by utilizing a two-story structure as the applicant was advised the complete obstructed view of the contributing structure would not be met with any appreciation by the Board. The relationship of the width and height differs from the neighboring properties, it emphasizes the verticality of the structure.

Applicant: Russell Ayers – Wanting to provide for elderly parents. The realtor stated they had already completed this process.

Staff: The proposed elevation is not known, staff was provided with a boundary survey, they may not have to go to six (6) feet. NAVD is different from base flood elevation.

Board: A retaining wall would or could resolve the added height; an exfiltration trench could handle drainage. The final height won't be known until the elevation is set. This is more of a building division permit issue.

Applicant: States there is a precedent set as there is a two-story being built across the street.

Public Comment: Friederike Mittner 909 S. Palmway-Asking for design modifications by reducing height by two (2) feet. This could be achieved with reduced ceiling heights on the first and second floor with trayed ceilings to retain the interior height. This would help with reducing the height. Also hoping the Board could recommend an asymmetrical front elevation.

Board: Is the applicant amenable to some of the suggestions?

Staff: The Board is not obligated to make changes based on public comment, it would be up to the Board if they choose to request changes.

Board: Discussion of possible approval based on a range of height. The applicant would be motivated to keep the height within a range.

The grade will come from a civil engineer, then the range could be determined. It is almost guaranteed to be at least three to four feet higher. They will have to meet the base flood elevation.

W. Waters: Board could give a range of acceptable heights; if not met, then it would have to come back before the Board for consideration. The building is shown now at grade which we know is not the case. It is shown to be in conformity with the other properties. The building height measurement is to the midpoint of the roof. The struggle is with the visual compatibility in a historic district. The issue is with the appropriate height, on a base-flood elevated raised slab (which is unknown), which would be compatible within the district.

Board: Maximum wall height at side setback. They cannot go higher than 30 feet. Member not comfortable approving as Board already knows it is too high and we don't want to take a chance that it could be higher due to meeting the base flood elevation. We should have a plan that shows how it won't go over 30 feet.

Applicant: The height shown on the streetscape is distorted as the drawing had to be narrowed to show the existing structures. If it meets code, isn't the Board here only to approve the design?

Board: The design might have steps and a porch which is not depicted. If you are showing one design but it turns out to be another design, the Board would want to know. Can the applicant discover the elevation within a month and return to Board?

Motion: E. DeRiso moves to approve HRPB 24-00100032 amending Condition #1 allowing up to 30 feet for the building height based upon the competent substantial evidence in the staff report and pursuant to the City of Lake Worth Beach Land Development Regulations and Historic Preservation requirements: E. Deveaux 2nd **Vote:** 4/1 L. Devlin nay

Staff: The Board just approved a structure with a wall height that can be up to 6 feet taller regardless of the base flood elevation that is unknown at this time. Right now the measurement is from the flood elevation to the mid-point of the ridge in the eave or 24 feet at this time. It is measured from the crown of the road or the minimum flood elevation whichever is higher.

Board: E. Deveaux states the flood elevation is going to change whether anyone likes it or not. Based on FEMA and insurance the minimum flood elevation has to be met. Get ready for change with all the new construction, whether it is with a flat roof or other modification, not everything has to be hipped. There are ways to remain within the 30-foot wall height.

D. Ordinance 2024-03: Consideration of an ordinance amending Chapter 23, Section 23.3-25 "Planned Development District," to allow townhouses within the Single-Family Residential (SF-R) Zoning District as part of a Residential Only Mixed-Use Urban Planned Development.

Board Attorney: Reads the Ordinance Title

Staff: S. Rodriguez- A privately initiated amendment to the Land Development Regulations to allow townhouses in the SFR zoning district as part of a Residential Only Mixed-Use Urban Planned Development thus providing greater flexibility in housing options within the City. The language within the Ordinance can be customized and staff has prepared discussion points to aid in the Board's consideration of said Ordinance.

Among them:

- Where it could be allowed (location within the City)?
- Appropriate parcel size and/or project size.
- Maximum number of allowed units with the development.
- Should the Affordable/Workforce Housing Program provide additional stipulations for the development?
- Should the definition of townhouses be evaluated to include not only attached units but also zero lot line homes, patio homes, small villa homes quadraplex housing, tiny homes or other non-traditional single-family detached homes?

Staff: A. Greening reminds the Board that this is a recommendation only item to City Commission, a legislative item.

William Waters: The City has arrived at this place in time after fifteen years of litigation regarding the parcel. Good faith negotiations between the property owner and the City resulted in a proposed settlement agreement, FLEUDRA. Per the judge/magistrate, the agreement provides for townhouses within Single-Family zoning districts and would not be considered spot zoning. To-date the agreement has not been signed by the City Commission. Approximately sixty percent to two thirds of the City is zoned Single-Family Residential. To be clear, staff does not support putting townhouses everywhere in the City's SFR districts. Townhouses, per the Building Code, are considered single family residences as they are on separate lots of record. Townhouses could be found appropriate only in a Planned Development as it requires a minimum lot size. The City code provides several types of Planned Developments. PBC and Regional authorities are also pushing for creative ways to provide affordable housing. This is seen as a way to secure affordable housing as building three walls is more cost effective versus building four walls on independent properties while also encouraging home ownership. The Planning & Zoning Board recommended denial, this Board may choose to do the same or consider the points. Density will remain at 7 units per acre, but could increase to 8 with affordable housing. The Ordinance would be applicable to the entire City.

Board: Why is the Historic Board hearing this item? **Response:** The Board is a Local Planning Agency. This is the legislative activity of the Board.

Board Attorney: Reminder this is for a City-wide Ordinance, not for any particular property.

Staff: Options for decision making: Approve as proposed, Approve with any or all of the points defined or additional options, table, recommend denial, workshop to date certain. Density has not changed.

Board: What is the difference between townhouses vs rentals? **Response:** Townhouses must be on individual lots of record, mixed ownership is an issue. Condo association owns everything from ½ through the wall and outside.

Board: E. DeRiso believes it requires more time to fully sort out all the suggestions and possible implications. At what point could a planned development come under consideration? This smaller Residential Only Urban Mixed-Use Planned Development is smaller than the normal five (5) acres required, west of I-95.

Staff: In 2012 the SFR districts size increased. Where does the Future Land Use which allows a higher density map overlap with a Single Family District? The settlement still has to go to Commission. The language in the settlement is that the City will take it under consideration.

All Planned Development approvals require at least 3 public hearings. This Urban Mixed-Use Residential Planned Development can be on as small as ½ acre. Additionally, this Planned Development is the only way to avail oneself of additional height, density, FAR and Transfer of Development Rights (TDR). This discussion could further limit the size and where.

Public Comment: 7:46 – 8:44 pm see attached spreadsheet with comments and digital comments.

Board: There are many valid points that the Board does not have answers to at this time.

Could the item be referred to the City Commission? If and when Commission comes back with a recommendation to review, then the Board will review? Staff states that is not the process. It is the duty of the Board to hear the item.

Does this mean that properties can be torn down? This Board must still hear and approve demolitions in the Historic Districts. The Board does not know of possible effects the Ordinance would have on property values. The Board could possibly table in favor of a charrette, or a joint meeting. Board members are not comfortable recommending approval without more information and discussion.

Staff: Ms. Mahoney's example is a good example of what could happen.

Various ideas for recommendations with options for additional input via workshops or a charrette .

Motion: E. Deveaux moves to recommend denial of Ordinance 2024-03 as the change is not appropriate for Single Family zoned areas (SFR) in the Historic Districts; further the Historic Preservation Board affirms and supports the recommendation by the Planning & Zoning Board denying the approval in the rest of the City; L. Devlin 2nd.

Vote: 4/1 E. DeRiso dissenting. Motion carries to deny.

PLANNING ISSUES: A. Greening reminds all of the upcoming May Historic Preservation Awards and Historic Preservation month.

PUBLIC COMMENTS: (3 minute limit) None

DEPARTMENT REPORTS: None

BOARD MEMBER COMMENTS: None

ADJOURNMENT 9:20 PM