



**MINUTES  
CITY OF LAKE WORTH BEACH  
PLANNING & ZONING BOARD REGULAR MEETING  
CITY HALL COMMISSION CHAMBER  
WEDNESDAY, FEBRUARY 03, 2021 -- 6:08 PM**

**ROLL CALL and RECORDING OF ABSENCES:** Board members present in City Commission Chambers were- Mark Humm; Laura Starr; Robert Lepa; Juan Contin. Board members in virtual attendance were-Chairman Greg Rice; Vice-Chair Anthony Marotta and Daniel Tanner. Also present were: Alexis Rosenberg, Senior Community Planner; Jordan Hodges, Senior Preservation Coordinator; Peter Ringle, Building Official; Erin Sita, Assistant Director for Community Sustainability; Pamala Ryan, Board Attorney; Sherie Coale, Board Secretary.

**PLEDGE OF ALLEGIANCE** M. Humm led the pledge

**ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA:** Reorder agenda to postpone swearing in until just prior to New Business B.. Proceeding directly to the FEMA presentation. A. Marotta & R. Lepa 2<sup>nd</sup>; Ayes all, unanimous

**APPROVAL OF MINUTES:** None

**CASES:**

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

**PROOF OF PUBLICATION**

- 1) Arbor Square -20-00500019

**WITHDRAWALS / POSTPONEMENTS** None

**CONSENT** None

**PUBLIC HEARINGS:**

**BOARD DISCLOSURE:** None

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

- A. FEMA Flood Maps Update

**Staff:** E Sita presents a brief overview of upcoming changes to the flood maps. National Flood Insurance Program is administered by FEMA. Flood mapping is a large part of the Flood Insurance Program. The city reviews new construction and renovations for compliance with the program requirements. The city also participates in the Community Rating System (CRS) to gain discounts for all affected by the mapping and insurance. Currently the rating is 7 which allows a

15% discount. The lower the number the bigger the discount. Approximately 1,500 communities nationwide participate in the voluntary CRS. Activities include: reducing the exposure to flood damage (mitigation), strengthen and support the NFI program and foster improvements in floodplain management. In January 2020 the new maps, published although not yet officially adopted, are required to be utilized. The presentation will provide information regarding the base flood elevation, questions regarding when is it necessary to elevate, what is considered a substantial improvement, historic district impacts and exemptions and coastal resiliency.

**Peter Ringle, Building Official, City Flood Plain Administrator** –A study between 2016 -2020 produced wave data with wave heights and penetration into the Florida coastline. The result being the base flood elevation has been raised along the entire coastline of Florida. Changes have been made to the 100-year flood plain and the 500-year flood plain which now extends to Federal Hwy. On the northside of the City the flood plain now extends west to Ocean Breeze. On the southside the flood zone crosses Federal Hwy in several places. LIMWA (Limited Moderate Wave Action) boundaries will now prohibit shallow foundations in those areas. Two flood zone categories are: AE -standard flood zone and VE flood zone (with a 1-3 foot wave crest built in and stillwater). The difference- AE heights are referring to the finished floor, in the VE zone the elevation is referring to lowest structural member. There are significant insurance differences between below elevation, at elevation or above elevation. Generally the City is between 5-7 feet of elevation along the intracoastal however even King tides can easily generate five (5) feet of water. **What is a substantial improvement and how is it determined?** FEMA states it is 50% of market value of the structure before the improvement. It will require the structure to be elevated when making improvements such as an addition; the primary structure will also be required to be elevated. Florida Building Code states it is anything exceeding 50 % of the building area. Appraisals can be obtained by an independent appraisal because the Property Appraiser is typically low. Market value before start of construction.

**Board:** R. Lepa – asks what the City intends to do about the Golf Course- **Response:** That would be a policy decision, this discussion is provided to help homeowners understand possible effects on their properties.

J. Contin – In the Keys, west coast (Sarasota) and Miami Beach people are choosing to self-insure due to high premiums. Who determines the freeboard? **Response:** Base flood elevation plus 1-foot freeboard is designated by the State of Florida; local municipalities can add more to help the CRS rating if they choose. Lake Worth Beach has not chosen to add any additional freeboard.

G. Rice: How does the City notify any newly affected persons? **Response:** Only those without a mortgage or a federally backed mortgage living east of Federal Highway do not have to purchase flood insurance. Those who live east of Federal with a federally backed mortgage without flood insurance should obtain it now (prior to Official adoption of the new maps) as a grandfathered rate will incrementally reach parity.

**Staff:** E. Sita - Typically mortgage companies are not lagging when it comes to new requirements for flood insurance, they are cognizant of covering assets/collateral. Only when you want to build on a vacant lot, add an addition, will one be required to elevate.

**Board:** G. Rice – recalls the “do you live East or West of I-95” question asked years ago for determining premiums.

Building Official states the Lidar overflights determined the average elevation which was then overlaid with the wave heights.

D. Tanner – As there has been no recent storm activity creating flooding how was it determined to be necessary to push the lines westward? **Response:** FEMA has 37 transects of wave modeling for Palm Beach County, of which 2 crossed the Lake Worth map. The wave action models combined with the overflight information, Lidar, produced the resultant maps.

**Response:** The 100- year flood designation means there is a 1% chance of flooding in any given year in an area. It does not mean there is a chance of getting flooded once every 100 years. Some areas of the City experienced flooding three (3) times this year. When does it go into effect? **Response:** The second or third quarter of 2021, however several municipalities have challenged the maps. It will be known 90 days in advance.

L. Starr: Did the Property Appraiser take the maps into account and consequently decrease appraised values? Is there a property value decrease in Lake Worth Beach by the Property Appraiser? Why is West Palm Beach contesting it? **Response:** They are contesting the Lidar data, that it was older than what was available. There hasn't been any significant elevation changes in the City of Lake Worth Beach to warrant a challenge. Near the southern boundary of the City, in the vicinity of 18<sup>th</sup> Ave South, King tides have caused storm drains to overflow.

A. Marotta: Since many frame homes are not slab on grade, will there be any grant program money available from FEMA for flood vents etc.? **Response:** Currently the City has not made any grant application for monies from FEMA. Grant monies need to be administered and monitored and there is no dedicated staff to do so.

**Staff:** Jordan Hodges-There are six (6) historic districts with approximately 2,700 parcels many located within flood zones. Within the districts structures are evaluated by criteria established by the National Park Service, Dept of the Interior. Structures can be designated as contributing (with local protections through ordinance to prevent adverse changes affecting historic significance) or non-contributing resources.

The most prevalent, but not sole criteria, to be considered contributing is to be a structure of more than 50 years in age. As most of the Districts were established in the late 1990's many of the homes surveyed at that time were not considered contributing. With recent State grant monies (@ \$200,000) funded surveys now show many more are eligible for contributing status. This is important as there are exemptions to the Florida Building Code for those contributing structures when making a substantial improvement or adding an addition. Structures outside of a district may seek individual designation if meeting eligibility requirements. Once a property becomes designated there are no mechanisms to remove that designation. Typical requests for the exterior are window and door, roof, additions. The Historic Board would determine if the request is architecturally appropriate or compatible based upon the Historic Guidelines (adopted in 2018), historic ordinances and review matrix. The Building Code allows for the exemption if the program that designated the structure as contributing determines it will continue to be contributing after the proposed work is completed. The City Land Development Regulations also allows for property owners of contributing structures to apply for a variance to be issued which can allow the historic structure and improvement to remain at the current elevation. Homeowners may elect to elevate or utilize the variance option to maintain the elevation. Either would be subject to Historic Board review.

E. Sita shares that the City participates in several local and regional partnerships and the Southeast Florida Climate Compact as well as developing and adopting strategies taken from other communities.

### **Board Secretary administers oath to those wishing to give testimony.**

B. A request by Bryan Sherman of Sloan Consulting Inc. on behalf of Arbor Square Realty Co., LLC for a Blanket Conditional Use Permit at 2505 North Dixie Highway, within the Mixed Use – Dixie Highway (MU-DH) zoning district.

**Staff:** A. Rosenberg presents case findings and analysis. The request is for a blanket conditional use permit for select uses. On August 10, 2020 there was the approval of a minor site plan and implementation of those conditions outlined in that approval are nearing finalization. A single destination use recently came before the Board (Family Dollar June 17, 2020) and was approved. Staff strikes Condition 1.a. regarding when a business license can be issued as the applicant is working with the City Attorney.

Chairman asks when the most recent Board review of Blanket Uses occurred. **Response:** It has been a few years. It typically occurs when several individual uses within a plaza require conditional use permits.

R. Lepa – How long has applicant owned the property? **Response:** @ 30 years. R. Lepa questions the reason for removing Condition 1.a..

**Board Attorney:** The property had some significant code enforcement violations, most of which were addressed immediately. The dumpster location is the remaining violation, which if forced to place it now, would ultimately have to be moved in the near future. There are no liens at this time, only a violation. R. Lepa believes having owned the plaza for so many years it should never have happened. Can the impermeable surface requirements not be met with permeable pavers instead of asphalt? **Response:** He has an approved minor site plan in hand. R. Lepa: Are these requested blanket uses already there or what he is hoping to attract. **Response:** Applicant states there is a pending medical office and El Presidente grocery will be locating there.

L. Starr: Have the landscaping requirements been met? **Response:** It is 60-70% complete, will be meeting Friday with City horticulturist. There is still mulching and plant beds to be completed.

L. Starr: Have the mature trees on site ever been trimmed? **Response:** Yes. Are the uneven surfaces, potholes going to be repaired? **Response:** they were completed 4-5 months ago. At the northern entry is the dip being filled? **Response:** the paving and drainage was approved.

**Response:** It is an ingress only entrance. The dumpsters along the canal will be removed, a cocoplum hedge will extend along the canal, stucco banding added to the structure, Comcast wiring and low voltage line removed and cleaned up, the road re-milled and repaved. Regarding the graffiti, what is being done? **Response:** They paint over on a weekly, monthly basis and there was a recent arrest. What will be done to keep the shopping carts on site? **Response:** That is a question for the tenant El Presidente but they may have mechanisms that prevent the removal from the property. There will also be security cameras on the property.

Staff reminds Board of the shopping cart ordinance enacted a year ago and which should be given to the tenant.

M. Humm- Is the laundromat still there? **Response:** If it is there with a current business license it will stay, however if the license lapses for 6 months or more that use would have to come back in as a conditional use and not be included in this approval. **Staff:** As the majority of the spaces are under 2,500 square feet any conditional uses, despite being under 2,500 square feet are intense uses or larger uses such as the grocery. Why the difference in hours of operations? **Response:** Pharmacy and drugstores have longer hours than a medical office. Who approves the vignette displays? **Response:** Typically the CRA, it activates the area and not just a vacant front.

G. Rice – Could the pharmacy and other stores offering vaccinations be considered medical uses and have to close earlier? **Response:** Those uses are typically accessory to the primary use.

L. Starr – Asks about the lighting, as she has seen many blinking lights at various places in the City. **Response:** Blinking and moving lights are not allowed; the sign code will be under review

again this year. G. Rice – feather signs are everywhere. **Response:** Those are not permitted either. R. Lepa – What type of lighting will be at the Plaza and under the canopy; When will they be on and off? **Response:** The lumens will be upgraded to 5 candles, LED lighting will be used with sconces on the coral wrapped columns in addition to the parking lot upgrades. The mansard roof will be repainted. L. Starr – who is monitoring the cameras? Management company, tenants and PBSO. It will be offsite management. R. Lepa asks if there will be continued cross access to World Thrift next door? Yes.

**Staff:** To clarify, a money business service is under single-destination commercial, however it should be noted that business type would be excluded in this approval. Board: Please explain Business Service office. **Response:** It does not involve the sales of goods nor the dispensing of personal services.

**Motion:** D. Tanner moved to approve PZB 20-00500019 with staff recommended conditions, striking Condition #1.a., and excluding money service businesses from this Blanket Conditional Use approval to allow the requested uses. The application meets the conditional use criteria based on the data and analysis in the staff report; J. Contin 2<sup>nd</sup>.

Concern is expressed regarding the shopping carts.

**Staff and Board Attorney:** RE: Shopping Cart Ordinance should be provided to the tenant and he will in turn provide a compliance plan to the City. It is an Ordinance in effect. The onus is on the shopping cart owners or whomever furnishes the cart for use. Can the property owner be held equally responsible? **Board Attorney:** Not under this ordinance, legislature pre-empted local ordinance. He does not owe the City money for liens, there were code violations. Brief discussion regarding providing the copies of the ordinances to property owners and enforcement of existing Ordinances. M. Humm – the carts are not the issue but rather the people using them.

**Vote:** Roll call, ayes all, unanimous.

**PLANNING ISSUES:** E. Sita – Reports reveal the increase in percentage of applications received and reviewed by staff from the time period 2019-2020. Total application increase is up 13%. A 129% increase in Site Plans, and a 225% increase in Conditional Use requests

**PUBLIC COMMENTS** (3 minute limit)

**DEPARTMENT REPORTS:** None

**BOARD MEMBER COMMENTS:** None

**ADJOURNMENT:** 8:08 PM