



**MINUTES
CITY OF LAKE WORTH BEACH
HISTORIC RESOURCES PRESERVATION BOARD
VIRTUAL REGULAR MEETING
WEDNESDAY, MAY 13, 2020 -- 6:00 PM**

ROLL CALL and RECORDING OF ABSENCES

Present were: William Feldkamp, Chairman; Judith Just, Vice-Chair; Robert D'Arinzo, Bernard Guthrie and Judith Fox. Absent: David Cavorsi, Ozzie Ona.

Also present: Jordan Hodges, Senior Preservation Coordinator; Abraham Fogel, Preservation Planner; Erin Sita, Assistant Director for Community Sustainability; William Waters, Director for Community Sustainability; Pamala Ryan, Board Attorney; Sherie Coale Board Secretary.

PLEDGE OF ALLEGIANCE

A. Dispensing with this requirement until meetings in person resume.

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

No additions, deletions or re-ordering of the agenda.

APPROVAL OF MINUTES:

A. March 11, 2020 Meeting Minutes

Motion: J. Just moved to accept March 11, 2020 meeting minutes as presented; J. Fox 2nd.

Vote: Ayes all, unanimous.

CASES

SWEARING IN OF STAFF AND APPLICANTS

Board Secretary administered Oath to those wishing to give testimony, including staff and three (3) applicants (Mert Serter, Manuel Rojas, Aleatha Hoff) joining in the virtual meeting, identified via video.

PROOF OF PUBLICATION

1) Proof of Publication-May 13 HRPB-Provided within the meeting packet.

WITHDRAWALS / POSTPONEMENTS: None

CONSENT: None

PUBLIC HEARINGS:

BOARD DISCLOSURE

Board members present had no disclosures to be made.

UNFINISHED BUSINESS: None

NEW BUSINESS:

- A. Consideration of a Certificate of Appropriateness (COA) for the new construction of a ± 2,245 square foot two-family structure at **711 North L Street**; 38-43-44-21-15-218-0140. The subject property is located in the Single-Family and Two-Family Residential (SF-TF 14) Zoning District and the Northeast Lucerne Local Historic District.

Staff: J. Hodges presented the case findings and analysis. The two remaining concerns and issues are included as Conditions of Approval. One being the front yard impermeable surface requirement is exceeded in the proposal; secondly the proposed parking dimensions for parallel parking are less than required. J. Hodges reads Conditions of Approval. The solid to void relationship of the blank wall (east facing rear of the second unit) would benefit with a faux window treatment.

Applicant/Owner Manuel Rojas: Rather than the faux window on the east elevation of unit 2, he has intentions of joining/continuing the fence perpendicular to the fence on adjoining lots which would negate the purpose of the faux window.

Public Comment: Board Secretary read 4 public comments into the record that were received in advance of the meeting from:

Rebecca Gilmartin-714 North L Street- Would like a deeper overhang or more front porch space, the Bahama shutter on the blank wall, landscaping to hide parking, and add palm trees and wooden fence.

Frank Gooleo -702 North L Street Apt 18-When the demolition occurred, he was told the property was not for sale and would remain green space- against the project.

David Simms -715 North L Street Apt 5 – Would prefer a single family structure be built on the lot. Regarding the rear parking, the asphalt space next to unit 1 of 715 North L Street shouldn't be taken away or blocked by construction- against the project.

Brenda Benham-Owner of 715 North L Street-

1. Will there be construction fencing in place prior to construction to protect property and vehicles?
2. When will construction begin and what are the allowable hours for construction?
3. Will the construction interfere with tenants parking, in particular 4 in front and one in alley?
4. Will the duplex be used for rentals, owner occupied or AirBnB?
5. Does owner have sufficient funds to totally complete the construction without starting and stopping?
6. Where will equipment be stored?
7. What is the maximum building occupancy?
8. Has concerns about approaching hurricane season and what measures will be taken.

Board: J. Fox inquires about the sidewalk connection to the front door and if it applies to both units, are they each addressed separately? **Staff response:** the sidewalk to front door connection applies only to the front (east) unit and as both units are on the same parcel they would be addressed as Unit A and B or 1 & 2. C. Guthrie asks if the applicant proposal for the fence would change staff's recommendation for the faux window? **Staff response:** The faux window is a fairly common façade treatment, Board is shown examples of in construction faux windows; it would only apply to the east unit and that fences are not permanent fixtures (at some point the fence

could be removed) and a blank wall would remain. J. Just asks for further explanation of the impermeable issue. **Staff response:** The driveway proposal is for 255 square feet, when LDR's only allow 250 square feet in the front yard. It could be remedied by using a different material. W. Feldkamp questions the six (6) panel colonial front door, suggesting either a nine (9) light or single light; historical accuracy would show four (4) decorative brackets under the eaves of the gable end rather than two (2); and if the east facing end of the rear unit is a hipped roof (as shown on the plan) or gable end? **Staff and Applicant response:** It is a drawing error. B. Guthrie asks the Applicant/Owner if the additional decorative brackets would be agreeable? J. Just asks for clarification of the suggestion of changing the door to a different style.

Applicant/Owner: states the six (6) panel door was easy to find and found it as a common style among wood vernacular homes; willing to look at other options and find a better door. Board and staff agree that this could be worked out at time of permit during staff review. R. D'Arinzo is in agreement with changing the doors and clarifies that the additional brackets are only for the front (east) façade. J. Fox confirms the parking is sufficient for the site; all parking can be accommodated on site.

Motion: B. Guthrie moves to approve HRPB 20-00100067 with staff recommended Conditions of Approval and based upon competent substantial evidence pursuant to the City of Lake Worth Beach Land Development Regulations with the addition of two conditions; R. D'Arinzo 2nd.

1. Two additional decorative brackets shall be added to the east facing gable roof end;
2. Staff shall review the door type/style on the front facade at time of permit review.

Vote: Ayes all, unanimous.

- B. A request to retroactively approve alterations to a previously approved mural installation for the contributing structure located at **921 Lake Avenue**, pursuant to but not limited to Sections 23.2-7, 23.3-14, and 23.5-4 of the Land Development Regulations. The subject property is located in the Downtown (DT) Zoning District and the Old Town Local Historic District.

Staff: J. Hodges presents case findings and analysis. The mural was previously approved in January. The artist did not obtain a building permit prior to painting the mural and did not complying with the Conditions of Approval. In particular the scope of the mural was exceeded as well as the painting of windows which, historically, are features left to stand on their own. Staff shows photos of the mural as painted. Staff defers to the Board as to whether the windows and doors shall have the paint removed.

Applicant: Merl Serter- The mural that was painted was the Portuguese artist's interpretation. Agrees that the paint on the double door glass should be removed although the doors and windows were not harmed. Believes removing the paint from the windows will leave the mural looking as though there are dark holes.

Public Comment: Gael Silverblatt 414 N Ocean Breeze-In support of the mural as currently painted without any corrections to the previously approved mural. Understands the mural was incorrectly applied but does not feel changes would make it more appealing and some of the artistic message would be lost.

Board: R. D'Arinzo asks about the white strip on the portion of the building not approved for the mural and are the windows still functional? **Applicant response:** The artist ran out of paint. The windows are fully operational and one can see through the windows to the outside. Willing to remove the paint from the glass door. J. Just does not believe any of it to be an issue. Owner of the Mexican Turkish Fusion restaurant is also the tenant. J. Fox states that although the

Conditions of Approval were issued the Applicant just did what they wanted; why is it ok to be approved, disregard the conditions and do what you want anyway? It is a fait accompli. B. Guthrie states it is always easier to ask forgiveness, believes the parapet looks better painted and again maybe non-artistic types should refrain from the subtleties of artistic expression. Asks if the verbiage to require removal is in the removal agreement.

Board Attorney: The Conditions of Approval govern the approval, not the removal agreement. Reminds all that a code compliance case could be initiated.

Staff: The restaurant is not able to open until the mural issue is resolved. The building permit was applied for after the fact and is currently in a failed status until action is taken by the Board.

Board: W. Feldkamp: Would like the painting, extending the length of southern portion of the building, removed as it was a bold move without permit to continue painting the length of the building. J. Just- by denying the request muralists would be more restricted in the future, allow artists some freedom as it goes with the territory, they tend to deviate. Why be punitive?

Staff: J. Hodges reviews the 4 (new, additional) conditions

Motion: R. D'Arinzo moves to approve HRPB 19-0000011 (Revision) with staff recommended Conditions of Approval excluding Condition #1 based upon competent substantial evidence pursuant to the City of Lake Worth Beach Land Development Regulations; J. Just 2nd.

R. D'Arinzo, in referring to the conditions, asks if the mural approval expires within the year. Staff states there is no limit to the length of time a mural can remain in place. R. D'Arinzo believes all murals should come back before the Board within a time limit and not remain indefinitely.

Vote: 4/1 in favor, W. Feldkamp dissenting.

- C. Consideration of a Certificate of Appropriateness (COA) for the removal of an existing driveway and installation of a new driveway in the front yard of the property located at **246 Vanderbilt Drive**; PCN# 38-43-44-15-07-000-6700. The subject property is a contributing resource to the College Park Local Historic District and located in the Single-Family (SF-R) Zoning District.

Staff: J. Hodges presents case findings and analysis. Comparisons are made to immediate surrounding driveways. The proposed utilization of semi-pervious pavers for the 20 x 29.5 feet two (2) space wide driveway allows for the impervious requirement to be met. Historically, ribbon driveways were utilized and were offset from the primary residence. It is atypical for a driveway to terminate at the front façade as is a two (2) space wide driveway. Original parking access was from the rear of the property but as the structures have been repurposed over time the function has been superceded. The proposal is typical for a commercial or multi-family structure but atypical for a single family residence. Staff suggests a reduction in size to 18x18 feet and offsetting by one foot to the east eliminating the overlap with the front façade as well as provide for landscaping between the driveway pad and front of structure in order to meet landscaping code requirements.

Applicant/Owner: Aleatha Hoff-After purchasing the property noticed that when entering the fence, at the existing driveway pad, the pool edge was very close. The proposal would provide her with an unencumbered path from the easterly fenced gated area to the street with refuse cans. Additionally her disabled daughter would have a greater separation between the cars with a larger parking pad.

Public Comment: None

Board: J. Just questions if there are plans to add a walkway from the proposed parking area to the front porch. **Applicant Response:** Considering putting stepping stones connecting the parking area to the sidewalk. B. Guthrie asks Ms. Hoff as she has seen the ribbon strips suggested by staff, why won't it be convenient because of pushing the refuse bin to the curb? And would she still want a walkway between the gate and driveway if the driveway stopped ten (10) feet short of the gate? **Applicant response:** It would be a tripping hazard and not be as safe with different levels, would prefer one plane. Never gave thought to the possibility of the having to connect the areas. W. Feldkamp asks if the house is accessed through the gate? **Applicant response:** Explains she does not go that way as the entrance would be through the family room (previous garage). W. Feldkamp asks if the smaller pad was granted along with four (4) foot pad at the gate would that be acceptable? Applicant is confused as to why the ten (10) feet would have to be eliminated, she was under the impression that as long as the impervious requirement was met, the proposal would be acceptable. B. Guthrie explains the issue is the atypical parking in the front and the overlap. In cases with no garage, the drive would stop short of the house. Applicant states she has plenty landscaping. Staff states it is not the concern about the amount of landscaping but rather atypical to have the parking at the front of the structure with no landscape between, it is not compatible and is contrary to Historic guidelines. E. Sita explains Condition #5 and reasons for retaining runoff due to any new improvement. Additionally the impervious requirement is barely met.

Add to Condition #4: A four (4) foot wide paver walkway may be added connecting the parking area to the pedestrian gate. Eliminate the remainder of the condition referencing the ribbon strips.

A curbcut would be required. Public services is aware of the need pending the outcome of this Board action.

Motion: J. Fox moves to approve 20-00100078 with staff recommended conditions based upon competent substantial evidence pursuant to the City of Lake Worth Beach Land Development Regulations amending condition #4; R. D'Arinzo and B. Guthrie 2nd.

Vote: Ayes all, unanimous.

- D. City-initiated request to amend the Future Land Use Map of Lake Worth Beach through a large scale map amendment from the Future Land Use (FLU) designations of Mixed Use East and Mixed Use West to the Transit Oriented Development FLU designation on property generally located on the north side of the Lake Worth Road corridor from between Boutwell Road and North A Street and more fully described in Exhibit A of the attached ordinance.

Staff: W. Waters introduces Erin Sita, new Assistant Director for Community Sustainability, to the Board some of who may already know her as she is a resident of the City.

E. Sita explains the proposed Future Land Use Map amendment. Expanding TOD boundaries in 2 areas in proximity to Tri-Rail. This is in response to market driven conditions for economic development.

Board: B. Guthrie asks about a portion of land near Detroit and Boutwell not being included. **Staff response:** The referenced areas are not in the city. Staff gives a brief explanation of annexation patterns of voluntary and involuntary annexations. J. Just questions whether it will result in increased height and density. W. Waters explains the heights will be reduced but density will increase, clarifies the Future Land Use will go from six (6) stories or sixty-five (65) feet and 30 units to five (5) stories, fifty-five (55) and 60 units.. There are concerns about the increased

traffic in the corridor between Congress Avenue, Boutwell Road and Lake Osborne Drive. W. Feldkamp asks if a rezoning would be required to reach the number of units? Staff response is yes. W. Feldkamp still has concerns regarding upzoning and relies upon staff for the insight into potential projects or buyers. W. Waters states again it is not being upzoned with a Future Land Use change. J. Fox believes the result will be the same as the recent CRA recommendation downtown resulting in vacant land. J. Just believes the now vacant land can be opened to more possibilities. W. Waters explains some are currently vacant, some have structures; there is interest in the mobile home park and shopping center. There is interest in the smaller units. The Bohemian is a higher density project. B. Guthrie inquires about height near tri-rail and his understanding of reaching 100 feet in height. W. Waters states the highest would likely be nine (9) stories, with most developments perhaps being a Planned Unit Development with it's own parking plan. W. Waters provides a brief explanation of the characteristics of a Transit Oriented Development and not focusing on automobiles.

Motion: B.Guthrie moves to recommend approval of PZB/HRPB 20-00200001 to the City Commission based upon the amendment being consistent with City goals of housing diversity and economic development provided by proximity to Tri-Rail, supported by and consist with the Comprehensive Plan and Strategic Plan analysis, and consistent with level of service requirements; R.D'Arinzo 2nd.

Vote: Ayes all, unanimous

- E. City-initiated request to amend the Future Land Use Element of the Lake Worth Beach Comprehensive Plan relating to the Mixed Use East, Transit Oriented Development, and Downtown Mixed Use Future Land Use (FLU) designations, including modifications to the FLU development requirements, limitations, and general location descriptions.

Staff: E. Sita explains the text amendment to four policies. The first Policy 1.1.1.1 change involves Mixed-Use East, in particular Mixed-Use Federal Highway. This is the only area within mixed use east land use designation with 20 units per acre. Increasing the density from 20-30 units per acre within the zoning district. Staff re-iterates that the planning horizon with the Comprehensive Plan is typically 20 years in the future. Zoning changes will only affect new properties.

Board: Clarification on approximate boundaries of south to near the southern city limit and north to south of College Park, one lot deep along Federal Highway. Concerns about vacant land and drug or halfway housing and negative effects on the neighborhood. Other Board members believe it will provide the opportunity for developers to provide condos, townhomes (home ownership) rather than rental properties. Board members suggest that developments such as Cloisters would be appreciated however staff relays that the Cloisters (previously approved project, marketed at \$600K) and 2 other projects is unable to complete the buildout due to construction costs that no longer make it a viable project, the for sale product price is beyond what the market will bear. Other developers state they cannot even get interest in a \$400K-\$500K townhouse. Questions about if there are interested parties in the higher density, why cannot it not be granted on a case by case basis. Staff states it would be spot zoning. B. Guthrie states there is no buffer between SFR and this proposed change. J. Just asks what does B. Guthrie see a resolution to the South Federal Highway? Believes there is a need to open up to new ideas. E. Sita reminds all that the single family density in the city averages @ 7 units per acre.

Staff: E. Sita explains the other policy changes. W. Feldkamp asks about TOD-E within MU-E in the area of the eastern rail track. Brightline express service in Aventura, Boca and Martin County

has changed the likelihood that an intracity service would happen. It boils down to who would subsidize the East Coast link of which Palm Beach does not have a regional transportation authority for any representation. The Bohemian needs to have this density change (TOD-East) go forward, otherwise there would need to be multiple document revisions

Board: R. D'Arinzo - the city needs to grow, put out the opportunities, projects would still need to come in front of a Board. Recalls when the Lucerne was built in the middle of town and wishes there were more developments like that. All of the issues tend to go back to code enforcement. B. Guthrie states code enforcement and PBSO are all limited in their capabilities. R. D'Arinzo asks if there is perhaps a mid-way point of 25 units per acre? Also brings up the chronic nuisance issues. W. Waters states that could happen. To date he is unaware of any chronic nuisance closures by the City.

Staff states that portion of the recommendation pertaining to MU-Federal Highway can be addressed separately from the other portions of the recommendation.

Motion: B. Guthrie moves to recommend to City Commission item E less the recommendation to change the MU-East from 20- 30 units per acre. No second.

Subsequent Motion: J. Just moves to recommend to City Commission Item E in its entirety; R. D.Arinzo 2nd.

Roll Call: J. Fox nay; B. Guthrie nay; R. D'Arinzo yea; J. Just yea; W. Feldkamp nay.

B.Guthrie asks to re-assert his previous motion.

Motion: B. Guthrie moves to recommend to City Commission item E less the recommendation to change the MU-East from 20- 30 units per acre. J. Fox 2nd.

Roll call: J. Just nay; R. D'Arinzo nay; B. Guthrie yea; W. Feldkamp yea; J. Fox yea.

Ayes 3/2 motion carries.

- F. Consideration of an ordinance to amend Chapter 23 "Land Development Regulations" that includes changes to parking, electric charging stations, general housekeeping items, and modifications to development standards and requirements for single-destination retail and comprehensive plan consistency.

Staff: W. Waters explains the various Land Development Regulation changes as directed by City Commission during a March 5, 2020 workshop. Included are:

- Parking changes-to simplify review of requirements, allow for additional flexibility in requirements, and ease of conveying requirements to applicants; the payment in lieu fee is also increased, and
- Electric vehicle charging stations-increasing availability and establishing standards and requirements for new developments, and
- General housekeeping items updating internal references from "zoning administrator" to "development review official-DRO", definitions clarified, redundant and conflicting provisions deleted including out-of-date definitions, and
- Modification to development standards for Administrative Uses (AUP) and Conditional Uses (CUP) and providing for a higher level of performance standards for both types of review, and
- Updated requirements for single-destination retail development review standards including consolidating Convenience Store into that use, adding performance and development standards to address curb appeal and nuisance issues, and

- Changes to the location description of districts for clarity and consistency with the City Comprehensive and Strategic Plan.

Motion: R. D'Arinzo moves to recommend approval of PZB/HRPB 20-03100001 the proposed LDR text amendments, to City Commission; B. Guthrie 2nd.

Vote: Ayes all, unanimous.

PLANNING ISSUES: Budget Workshop will be held in June but the staffing will remain status quo.

PUBLIC COMMENTS: (3 minute limit)

Rebecca Gilmartin- 714 North L St- believes the abundance of no-trespassing signs and chain link fences give a prison like feel to the community and doubts their effectiveness. Believes more can be done to improve the care of historic buildings downtown with low costs such as pressure cleaning and painting with a monochrome color scheme.

DEPARTMENT REPORTS:

A. National Historic Preservation Month – Postponed until October when it will coincide with the National Conference being held in Miami. Board members may nominate properties, the deadline to do so is August 31, 2020.

BOARD MEMBER COMMENTS: None

ADJOURNMENT: Director of Community Sustainability recognizes everyone's effort in successfully completing this virtual meeting. Special thanks to Anthony Ritch and Keith Sullivan without whom it may not have been possible. **9:40 PM**