



**AGENDA
CITY OF LAKE WORTH BEACH
HISTORIC RESOURCES PRESERVATION BOARD
CITY HALL COMMISSION CHAMBER
WEDNESDAY, JUNE 10, 2020 -- 6:00 PM**

ROLL CALL and RECORDING OF ABSENCES

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

- A. [May 13, 2020 Regular Meeting Minutes](#)

CASES

SWEARING IN OF STAFF AND APPLICANTS

PROOF OF PUBLICATION

- 1) [Lake Worth Herald-Proof of Publication](#)
- 2) [Water Supply Plan Proof of Publication](#)

WITHDRAWALS / POSTPONEMENTS

CONSENT

PUBLIC HEARINGS:

BOARD DISCLOSURE

UNFINISHED BUSINESS:

NEW BUSINESS:

- A. [HRPB Project Number 18-00100211: Consideration of a Completed Work Application and a recommendation to Lake Worth Beach City Commission for a Historic Preservation Ad Valorem Tax Exemption for the subject property located at **407 South Lakeside Drive**; PCN# 38-43-44-21-15-165-0080. The subject property is a contributing resource to the South Palm Park Local Historic District and is located within the Low-Density Multi-Family Residential 20 \(MF-20\) Zoning District.](#)
- B. [HRPB#20-002100003: A Distance Proximity Waiver for the proposed beer and wine sales for on-site consumption as an accessory use to the existing business located at **513-515 Lake Avenue**, pursuant to but not limited to Sections 23.2-7, 23.3-14, and Section 23.5-4 of the Land Development Regulations. The subject property is located in the Downtown \(DT\) Zoning District and is a contributing resource to the Old Town Local Historic District.](#)

- C. [HRPB Project Number 20-00100082 and 20-01400024: A Certificate of Appropriateness for exterior alterations and a Major Site Plan Approval for the existing commercial structure located at **1000 Lake Avenue**, pursuant to but not limited to Sections 23.2-7, 23.3-19, and Section 23.5-4 of the Land Development Regulations. The subject property is located in the Transit Oriented Development-East \(TOD-E\) Zoning District and is a contributing resource to the Old Town Local Historic District.](#)
- D. [HRPB Project Number\(s\) 20-001000089; 20-01500001; 20-01600001; 20-01600002; and 20-01600003: Consideration of a Certificate of Appropriateness for the construction of a ± 109 square foot addition, a Variance from base flood elevation requirements of the Florida Building Code, and three Historic Waivers for the minimum required side setback, maximum building lot coverage, and floor area ratio limitations for the single-family residence at **327 N Lakeside Drive**; PCN 38-43-44-21-15-100-0100. The subject property is located in the Single-Family Residential Zoning District \(SF-R\) and is a contributing resource within the Old Lucerne Local Historic District.](#)
- E. [HRPB Project Number 20-00100052: An Appeal of the Development Review Official's decision regarding the expansion of a legal non-conforming garage apartment at **731 North J Street**, pursuant to but not limited to Sections 23.2-7, 23.3-8, and Section 23.5-4 of the Land Development Regulations. The subject property is located in the Single-Family Two-Family Residential \(SF-TF 14\) Zoning District, retains a Future Land Use \(FLU\) designation of Medium Density Residential \(MDR\), and is a contributing resource to the Northeast Lucerne Local Historic District.](#)
- F. [PZB/HRPB Project Number 20-00400002: Consideration to recommend to the City Commission to transmit to the State of the Florida the City's 2020 10-Year Water Supply Facilities Work Plan for review including the adoption of related amendments to the Comprehensive Plan.](#)

PLANNING ISSUES:

PUBLIC COMMENTS: (3 minute limit)

DEPARTMENT REPORTS:

BOARD MEMBER COMMENTS:

ADJOURNMENT

If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105)

NOTE: ALL CITY BOARDS ARE AUTHORIZED TO CONVERT ANY PUBLICLY NOTICED MEETING INTO A WORKSHOP SESSION WHEN A QUORUM IS NOT REACHED. THE DECISION TO CONVERT THE MEETING INTO A WORKSHOP SESSION SHALL BE DETERMINED BY THE CHAIR OR THE CHAIR'S DESIGNEE, WHO IS PRESENT AT THE MEETING. NO OFFICIAL ACTION SHALL BE TAKEN AT THE WORKSHOP SESSION, AND THE MEMBERS PRESENT SHOULD LIMIT THEIR DISCUSSION TO THE ITEMS ON THE AGENDA FOR THE PUBLICLY NOTICED MEETING. (Sec. 2-12 Lake Worth Code of Ordinances)

Note: One or more members of any Board, Authority or Commission may attend and speak at any meeting of another City Board, Authority or Commission.



**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 having a automobile focus.

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 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. 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**

Public Notice

Legal Notice No. 36826

PLEASE TAKE NOTICE that due to the Novel Coronavirus 2019 (COVID-19) and Federal, State, and Palm Beach County's Declarations of State of Emergency, the City of Lake Worth Beach will conduct Historic Resources Preservation Board (HRPB) meetings via Communication Media Technology ("CMT"). The meeting will be conducted on **Wednesday, June 10, 2020, at 6:00 p.m.** or as soon thereafter as possible.

Live streaming of the hearing and public comment forms can be accessed at <https://lakeworthbeachfl.gov/virtual-meeting/> to consider the following:

HRPB#20-00100082 and 20-01400024: A Certificate of Appropriateness for exterior alterations and a Major Site Plan Approval for the existing commercial structure at 1000 Lake Avenue, pursuant to but not limited to Sections 23.2-7, 23.3-19, and Section 23.5-4 of the Land Development Regulations. The subject property is located in the Transit Oriented Development-East (TOD-E) Zoning District and is a contributing resource to the Old Town Local Historic District. PCN#: 38-43-44-21-15-506-0090.

Public comment will be accommodated prior to and during the meeting through the web portal. If you are unable to access the web portal during the meeting, please leave a message at 561-586-1687 to be read into the record by a staff member. Mailed written responses can be sent to the Lake Worth Beach Historic Resources Preservation Board at 1900 2nd Avenue N, Lake Worth Beach, FL 33461 and must arrive before the hearing date to be included in the formal record.

Affected parties, as defined in section 23.1-12 of the Lake Worth Beach Code of Ordinances, who are interested in virtual participation, must notify the City of their status and submit evidence they wish the HRPB to consider, five (5) days prior to the meeting for technical accommodation. For additional information, please contact City Staff at 561-586-1687.

If a person decides to appeal any decision made by the Board, Agency or Commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (FS 286.0105). In accordance with the provisions of the American with Disabilities Act (ADA) this document may be requested in an alternative format. Persons in need of special accommodation to participate in this proceeding are entitled to the provision of certain assistance. Please call 561-586-1687 no later than five (5) days before the hearing if this assistance is required.

Publish: The Lake Worth Herald
May 28, 2020

Legal Notice No. 36925

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Publish: The Lake Worth Herald
May 28, 2020

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PLEASE TAKE NOTICE that due to the Novel Coronavirus 2019 (COVID-19) and Federal, State, and Palm Beach County's Declarations of State of Emergency, the City of Lake Worth Beach will conduct Historic Resources Preservation Board (HRPB) meetings via Communication Media Technology ("CMT"). The meeting will be conducted on **Wednesday, June 10, 2020, at 6:00 p.m.** or as soon thereafter as possible.

Live streaming of the hearing and public comment forms can be accessed at <https://lakeworthbeachfl.gov/virtual-meeting/> to consider the following:

HRPB#20-00100052: An Appeal of the Development Review Official's Decision regarding the expansion of a legal non-conforming garage apartment at 731 North J Street, pursuant to but not limited to Sections 23.2-7, 23.3-8, and Section 23.5-4 of the Land Development Regulations. The subject property is located in the Single-Family Two-Family Residential (SF-TF 14) Zoning District and is a contributing resource to the Northeast Lucerne Local Historic District. PCN#: 38-43-44-21-15-214-0090.

Public comment will be accommodated prior to and during the meeting through the web portal. If you are unable to access the web portal during the meeting, please leave a message at 561-586-1687 to be read into the record by a staff member. Mailed written responses can be sent to the Lake Worth Beach Historic Resources Preservation Board at 1900 2nd Avenue N, Lake Worth Beach, FL 33461 and must arrive before the hearing date to be included in the formal record. Affected parties, as defined in section 23.1-12 of the Lake Worth Beach Code of Ordinances, who are interested in virtual participation, must notify the City of their status and submit evidence they wish the HRPB to consider, five (5) days prior to the meeting for technical accommodation. For additional information, please contact City Staff at 561-586-1687.

If a person decides to appeal any decision made by the Board, Agency or Commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (FS 286.0105). In accordance with the provisions of the American with Disabilities Act (ADA) this document may be requested in an alternative format. Persons in need of special accommodation to participate in this proceeding are entitled to the provision of certain assistance. Please call 561-586-1687 no later than five (5) days before the hearing if this assistance is required.

Publish: The Lake Worth Herald
May 28, 2020

Legal Notice No. 36823

PLEASE TAKE NOTICE that due to the Novel Coronavirus 2019 (COVID-19) and Federal, State, and Palm Beach County's Declarations of State of Emergency, the City of Lake Worth Beach will conduct Historic Resources Preservation Board (HRPB) meetings via Communication Media Technology ("CMT"). The meeting will be conducted on **Wednesday, June 10, 2020, at 6:00 p.m.** or as soon thereafter as possible.

Live streaming of the hearing and public comment forms can be accessed at <https://lakeworthbeachfl.gov/virtual-meeting/> to consider the following:

HRPB# 20-00100089; 20-01500001; 20-01600001; 20-01600002; and 20-01600003: A Certificate of Appropriateness for the construction of a \pm 109 square foot addition, a Variance from base flood elevation requirements of the Florida Building Code, and Historic Waivers for the minimum required side setback, maximum lot coverage, and floor area ratio for the single-family structure at 327 North Lakeside Drive, pursuant to but not limited to Sections 23.2-7, 23.3-7, and Section 23.5-4 of the Land Development Regulations. The subject property is located in the Single-Family Residential (SF-R) Zoning District and is a contributing resource to the Old Lucerne Local Historic District. PCN#: 38-43-44-21-15-100-0100.

Public comment will be accommodated prior to and during the meeting through the web portal. If you are unable to access the web portal during the meeting, please leave a message at 561-586-1687 to be read into the record by a staff member. Mailed written responses can be sent to the Lake Worth Beach Historic Resources Preservation Board at 1900 2nd Avenue N, Lake Worth Beach, FL 33461 and must arrive before the hearing date to be included in the formal record. Affected parties, as defined in section 23.1-12 of the Lake Worth Beach Code of Ordinances, who are interested in virtual participation, must notify the City of their status and submit evidence they wish the HRPB to consider, five (5) days prior to the meeting for technical accommodation. For additional information, please contact City Staff at 561-586-1687.

If a person decides to appeal any decision made by the Board, Agency or Commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (FS 286.0105). In accordance with the provisions of the American with Disabilities Act (ADA) this document may be requested in an alternative format. Persons in need of special accommodation to participate in this proceeding are entitled to the provision of certain assistance. Please call 561-586-1687 no later than five (5) days before the hearing if this assistance is required.

Publish: The Lake Worth Herald
May 28, 2020

Legal Notice

PLEASE TAKE NOTICE that due to the Novel Coronavirus Disease 2019 (COVID-19) and Federal, State and Palm Beach County's Declarations of State of Emergency, the City of Lake Worth beach will conduct the June 2020 Planning & Zoning Board and Historic Resources Preservation Board meetings via Communication Media technology ("CMT").

PLEASE TAKE NOTICE that the City of Lake Worth Beach Historic Resources Preservation Board ("HRPB"), acting as the local planning agency, will hold a public hearing via CMT on **Wednesday, June 10, 2020** at 6pm or soon thereafter to consider the recommendation to the City Commission of an ordinance to the City's Comprehensive Plan to incorporate the current water supply plan as required by the Florida Statutes.

PLEASE TAKE NOTICE that the City of Lake Worth Beach Planning & Zoning Board ("PZB"), acting as the local planning agency, will hold a public hearing via CMT on **Wednesday, June 17, 2020** at 6pm or soon thereafter to consider the recommendation to the City Commission of an ordinance to the City's Comprehensive Plan to incorporate the current water supply plan as required by the Florida Statutes.

Live streaming of the meeting, agenda, backup materials, and public comment forms can be accessed at <https://lakeworthbeachfl.gov/virtual-meeting/> on June 10 & June 17, 2020 to consider the following items:

- **PZB/HRB 20-00000012** Consideration of an ordinance (Ord 20-009) AMENDING POLICIES IN THE INFRASTRUCTURE ELEMENT OF THE CITY'S COMPREHENSIVE PLAN AND ADOPTING THE 2020 WATER SUPPLY PLAN BY REFERENCE, PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

Public comment will be accommodated prior to and during the meetings through the virtual meeting web portal: If you are unable to access the web portal during the meeting, please leave a message at 561-586-1687 to be read into the record by a staff member. Written responses or comments can be sent to the Planning, Zoning, Historic Preservation Division 1900 2nd Avenue North, Lake Worth Beach, FL33461 and must arrive before the hearing date to be included in the formal record.

If a person decides to appeal any decision made by the Board, Agency, or Commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes testimony and evidence upon which the appeal is to be based (FS 286 0105). In accordance with the provisions of the American with Disabilities Act (ADA) this document may be requested in an alternative format. Persons in need of special accommodation to participate in this proceeding are entitled to the provision of certain assistance. Please call 561-586-1687 no later than five (5) days before the hearing if assistance is required.

PROOF O.K. BY: _____ **O.K. WITH CORRECTIONS BY:** _____

PLEASE READ CAREFULLY • SUBMIT CORRECTIONS ONLINE

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MEMORANDUM DATE: June 3, 2020

AGENDA DATE: June 10, 2020

TO: Chair and Members of the Historic Resources Preservation Board

RE: **407 South Lakeside Drive**

FROM: Jordan Hodges, Senior Preservation Coordinator
Abraham Fogel, Preservation Planner
Department for Community Sustainability

TITLE: **HRPB Project Number 18-00100211:** Consideration of a Completed Work Application and a recommendation to Lake Worth Beach City Commission for a Historic Preservation Ad Valorem Tax Exemption for the subject property located at **407 South Lakeside Drive**; PCN# 38-43-44-21-15-165-0080. The subject property is a contributing resource to the South Palm Park Local Historic District and is located within the Low-Density Multi-Family Residential 20 (MF-20) Zoning District.

OWNER: Justin Hu
Crouching Tiger Hidden Dragon Investment Group, LLC.
2226 Balsan Way
Wellington, FL 33414

PROJECT DESCRIPTION

The property owner, Justin Hu, is requesting certification of a Completed Work Application and a recommendation to Lake Worth Beach City Commission for a Historic Preservation Ad Valorem Tax Exemption for the rehabilitated property located at 407 South Lakeside Drive. The property is located in the Low-Density Multi-Family Residential 20 (MF-20) Zoning District and retains a Future Land Use (FLU) designation of Medium-Density Residential (MDR). If approved, the subject application would certify the completed scope of work authorized under the Pre-Construction application, which was approved by the HRPB at the October 10, 2018, regular meeting. The Applicant is also requesting a recommendation to the Lake Worth Beach City Commission for approval of a Historic Preservation Ad Valorem Tax Exemption.

The subject property is a 50' x 135' platted lot of record with frontage on South Lakeside Drive to the east. The primary multi-family structure and the rear two-story garage apartment were constructed c. 1928 in a Mediterranean Revival architectural style. Remaining character-defining features include asymmetrical facades, sloped barrel tile roofs, stucco siding, arched recessed window hoods, wood bracketed overhangs, vertical wood plank entry doors, decorative curving exterior staircases, and a copula tower with triplets of arches and a pecky cypress ceiling. Overall, the buildings retain a significant degree of historic integrity of location, setting, materials, and design.

On October 10, 2018, the HRPB approved a request by the Applicant for a Certificate of Appropriateness for Exterior Alterations and a Pre-Construction Historic Preservation Ad Valorem Tax Exemption application. The Applicant worked closely with Staff to devise a rehabilitation plan for the structure, as the building had sat in a state of disrepair for many years. Photos of the structure prior to its rehabilitation can be found in this report as **Attachment A**. The rehabilitation plans approved by the HRPB are included as **Attachment B**. An analysis of the scope of work approved by the HRPB and completed by the Applicant can be found on pages 4-7; Historic Preservation Analysis.

The application will require the following approval:

1. Approval of a **Completed Work Application** for the scope of work performed under Certificate of Appropriateness #18-00100211 as approved in the Pre-Construction Application for the property located at 407 South Lakeside Drive.

STAFF RECOMMENDATION

Staff recommends approval of the Completed Work Application and a recommendation for approval of this application to the Lake Worth Beach City Commission.

PROPERTY DESCRIPTION

Owner	Justin Hu, Crouching Tiger Hidden Dragon Investment Group, LLC.
General Location	South Lakeside Drive, between 4 th Ave S and 5 th Ave S
PCN	38-43-44-21-15-165-0080
Zoning	Low Density Multi-Family Residential (MF-20)
Existing Land Use	Multi-Family
Future Land Use Designation	Medium Density Residential (MDR)



Map Legend

407 South Lakeside Drive

SITE ANALYSIS

Surrounding Properties

The site is surrounded by properties with similar Zoning and FLU designation. The following summarizes the nature of the surrounding properties adjacent to the subject site.

NORTH: Immediately north of the subject site is a multi-family structure. This area contains a FLU designation of Medium Density Residential (MDR) and a Zoning designation of Low-Density Multi-Family Residential (MF-20).

SOUTH: Immediately south of the subject site is a multi-family structure. This area contains a FLU designation of Medium Density Residential (MDR) and a Zoning designation of Low-Density Multi-Family Residential (MF-20).

EAST: Immediately east of the subject site is Bryant Park. This area contains a FLU designation of Public Recreation and Open Space (PROS) and a Zoning designation of Public Recreation and Open Space (PROS).

WEST: Immediately west of the subject site across the alley is a single-family residence. This area contains a FLU designation Medium Density Residential (MDR) and a Zoning designation of Low-Density Multi-Family Residential (MF-20).



Map Legend

- 0 37.5 75 150 Feet
- Single Family Residential
 - Public Recreation and Open Space (PROS)
 - Low-Density Multi-Family Residential, 20 du/net acre(MF-20)
 - 407 South Lakeside Drive
- N

COMPREHENSIVE PLAN ANALYSIS

Objective 3.4.2: To encourage the identification of historically significant structures, and to Promote its preservation and rehabilitation as referenced by the Surveys of Historic Properties conducted by the City of Lake Worth Beach.

Staff Analysis: The structure at 407 South Lakeside Drive was surveyed as a historic contributing resource to the South Palm Park Local Historic District when the district was designated in March of 2000. Due to its classification as a contributing resource through a historic resource survey, the property is eligible for a Historic Preservation Ad Valorem Tax Exemption.

Policy 3.4.2.1: Properties of special value for historic, architectural, cultural or aesthetic reasons will be restored and preserved through the enforcement of the City’s Historic Preservation Ordinance to the extent possible.

Staff Analysis: The structure at 407 South Lakeside Drive has special architectural value as it retains many architectural features, was designed as a contributing resource, and adds to the architectural variety and significance of the South Palm Park Local Historic District.

HISTORIC PRESERVATION ANALYSIS

COA#18-00100211: Pre-Construction Scope of Work for Exterior Alterations

The HRPB reviewed and approved a proposal for exterior alterations to the contributing resource at the October 10, 2018, regular meeting. The general scope of work for COA#18-00100211 was approved as follows;

Primary Structure

- 1) Remove all existing non-original windows and replace them with aluminum impact Lawson single-hung windows with compatible divided light patterns.
- 2) Remove all existing exterior doors and replace them new Masonite “Mahogany Textured” fiberglass two panel plank impact doors.
- 3) Remove the existing barrel roof tiles and replace them with new Veree clay barrel tiles.
- 4) Repair all of the exterior stucco.
- 5) Remove existing non-original decorative metal posts, railings, and screens on the front porches and replace them with a new decorative wood post and railing system.
- 6) Remove existing broken floor tiles in exterior porch spaces and replace it with new ceramic tiles.
- 7) Remove all window air conditioning units and install (10) new mini-split air conditioning systems. All condensing units will be installed on the ground and all refrigerant and drip lines will be run inside the walls of the structure and not on the exterior building facades.

Garage Apartment

- 1) Remove all existing non-original windows and replace them with aluminum impact Lawson single-hung windows with compatible divided light patterns.
- 2) Remove all existing exterior doors and replace them new Masonite “Mahogany Textured” fiberglass two panel plank impact doors.
- 3) Remove existing deteriorated exterior staircases and reconstruct in existing location.
- 4) Reconstruct the existing fixed wood carriage doors.
- 5) Repair all of the exterior stucco.
- 6) Remove all window air conditioning units and install (1) new mini-split air conditioning system. The condensing unit will be installed on the ground and all refrigerant and drip lines will be run inside the walls of the structure and not on the exterior building facades.

COA#18-00100211: Pre-Construction Scope of Work Compliance Review

In addition to the above scope of work for exterior alterations, both structures were also painted and received complete interior renovations; including but not limited to new electric, plumbing, and mechanical upgrades, new drywall, new interior doors, new flooring, and new kitchens and bathrooms. New landscaping and paver walkways were installed and various site features were also improved. Extensive portions of the building were also reframed from the interior and new flood vents were added to make the structure FEMA compliant.

The approved scope of work was generally adhered to with two exceptions. The barrel tile roof on the primary structure was not replaced per the proposed scope, as the existing roof of the structure was in good condition and had been recently replaced prior to the Applicant’s ownership. In addition, at Staff’s recommendation, the HRPB added a condition of approval that the four remaining original vertical wood plank doors be retained, restored, and preserved, as they were excellent examples of hand-built craftsmanship that originally defined the character of the building. The Applicant did restore the four entry doors; therefore, all exterior doors were not replaced with the fiberglass impact doors.

COA#18-00100211: HRPB Conditions of Approval Compliance Review

The HRPB, at Staff’s recommendation, included twelve (12) conditions of approval in the development order for the project. Below, please find the conditions of approval, and Staff’s compliance review for each condition.

1. The replacement windows shall be aluminum impact single-hung windows, as proposed. The proposed 6/1 divided light patterns may be altered depending on the size of the window openings, and will be subject to Staff review at permitting. All divided light patterns shall be created by utilizing exterior raised applied triangular muntins, as proposed. No external flat muntins or “grills between the glass” shall be used. The windows shall utilize clear glass.

Staff Analysis: The condition is met. The windows were installed properly, are of the correct material, and utilize the correct glass type, muntin type, and divided light patterns.

2. All existing window trim, sills and recessed stucco arched hoods, shall be retained and repaired or replaced in-kind where deterioration is too severe for continued use.

Staff Analysis: The condition is met. The window trim, sills, and stucco hoods were retained or repaired appropriately.

3. The replacement windows shall be installed in the original window openings, and the openings shall not be relocated, made smaller by building in the framing, or made larger by expanding the opening.

Staff Analysis: The condition is met. The new impact windows were sized and installed appropriately.

4. The replacement windows shall be installed recessed in the jambs a minimum of two inches, and not installed flush with the exterior wall.

Staff Analysis: The condition is met. The new impact windows are recessed appropriately.

5. Character defining features utilizing pecky cypress on the structure shall not be altered (aside from painting) or removed, specifically regarding the ceiling of the porches and copula tower.

Staff Analysis: The condition is met. The pecky cypress features were retained and preserved.

6. The four original vertical plank doors featured on the primary façade be retained, restored, and preserved. If deteriorated beyond repair replacements shall match, subject to staff review.

Staff Analysis: The condition is met. The four original wood plank doors were preserved and retained. The doors were sanded, repainted, and appropriate hinges and hardware were installed.

7. Staff recommends that the proposed Masonite “Mahogany Textured” fiberglass two panel plank replacement doors come with a wood-look factory finish, and be painted or stained brown to enhance the visual appearance of a wood door.

Staff Analysis: The condition is met. The replacement fiberglass two panel plank doors have a wood-look factory finish. At Staff’s last visit to the property, the doors had yet to be painted. Due to Condition of Approval #6, the replacement doors are located to the rear of the property as the original wood doors remain on the front of the building.

8. The column configuration of the proposed front porch shall closely replicate the column configuration and detailing found on the structure located at 602 North Lakeside Drive. Detailed scaled drawings of the proposed columns shall be submitted and reviewed by Staff at permitting. Staff recommends painting or staining the wood porch elements brown to emphasize the detailing of the wood post and beam construction. The vertical pickets in the railing system shall be 36 inches in height with an added guardrail at 42 inches.

Staff Analysis: The condition is met. Detailed scaled drawings of the proposed column and railing configuration were submitted and reviewed at permitting. The constructed column and railing system are property proportioned and were constructed per the approved drawings.

9. The exterior stairs on the rear structure shall be reconstructed in the same configuration and location as they currently exist. Any alterations to the stair design shall be subject to Staff review at permitting and shall meet current code requirements.

Staff Analysis: The condition is met. The replacement stairs were reconstructed in the same location and utilize decorative period appropriate splats. The stair design was reviewed and approved by the City's Building Official.

10. The replacement stucco shall match the existing stucco in texture, coarseness, and application, subject to Staff review during construction. A 48 x 48 inch mockup of sample texture shall be reviewed by staff prior to completion.

Staff Analysis: The condition is met. The replacement stucco matches the existing in texture, coarseness, and application. Staff was called on-site to review stucco textures prior to application.

11. The new clay barrel tiles shall be "red/terracotta" in color with variegation as listed in the "Verea" color options brochure. Staff recommends the "Jacobea" finish.

Staff Analysis: The condition is not met. Due to the good condition of the existing barrel tiles and underlayment, the barrel tile roofs were not replaced. The roof replacement segment will be removed from Ad Valorem Tax Exemption Application's improvement plan.

12. The front south parapet shall be heightened 16 inches at front corners with ¼ circle reductions to the existing parapet height which is typical for the style.

Staff Analysis: The condition is met. The parapet wall was raised and new masonry ¼ circle reductions were added to the corners.

PUBLIC COMMENT

At the time of publication of the agenda, Staff has received no public comment.

CONCLUSION

According to Lake Worth Beach Building Division records, all associated work for the property was reviewed under Building Permit #18-1558. The building permit application was applied for on April 24, 2018, and final inspection occurred on April 2, 2020. A Certificate of Completion was issued on April 13, 2020. The overall project was given a building permit valuation of \$275,000.00. The Applicant submitted a Request for Review of Completed Work application to the Department of Community Sustainability and provided photo documentation of the completed work. The Completed Work application is included in this report as **Attachment C** and current photos of the property are included as **Attachment D**.

Should the Board determine that the qualifying improvements were successfully completed in accordance with the pre-construction application and recommends approval for the completed work application, Staff will forward the application to the Lake Worth Beach City Commission for final approval. Once the application has been approved by the City Commission, it will be forwarded to the County for processing and approval by the County Board of Commissioners.

Staff has reviewed the documentation and materials provided in this application and has performed multiple site visits to the property during the construction process and at final inspection. It is Staff's analysis that the work performed at the property follows the scope of work approved in the Pre-Construction Application and is in compliance with the conditions of approval included in the Certificate of Appropriateness Development Order. In addition, the HRPB made findings at the October 10, 2018, regular meeting that the property was eligible for the exemption and that the proposal was in keeping with the Secretary of Interior Standards for Rehabilitation and the requirements set forth in Sec. 23.5-5 of the Lake Worth Beach Land Development Regulations. Therefore, Staff recommends approval of the Completed Work Application and a recommendation for approval of the Historic Preservation Ad Valorem Tax Exemption to the Lake Worth Beach City Commission.

POTENTIAL MOTION

I MOVE TO **APPROVE** HRPB Project Number 18-00100211 for a Completed Work Application for a Historic Preservation Ad Valorem Tax Exemption for the property located at 407 South Lakeside Drive, 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. Further, I MOVE TO **RECOMMEND** to the Lake Worth Beach City Commission this application and its approval.

I MOVE TO **DENY** HRPB Project Number 18-00100211 for a Completed Work Application for a Historic Preservation Ad Valorem Tax Exemption for the property located at 407 South Lakeside Drive, because the Applicant has not established by competent substantial evidence that the application is in compliance with the City of Lake Worth Beach Land Development Regulations and Historic Preservation requirements.

ATTACHMENTS

- A. Pre-Construction Photos
- B. Approved Architectural Drawings
- C. Part III – Request for Review of Completed Work Application
- D. Completed Work Photos
- E. Lake Worth Beach Land Development Regulation Sec. 23-5-5



MEMORANDUM DATE: June 3, 2020

AGENDA DATE: June 10, 2020

TO: Chair and Members of the Historic Resources Preservation Board

RE: **513 – 515 Lake Avenue**

FROM: Jordan Hodges, Senior Preservation Coordinator
Abraham Fogel, Preservation Planner
Department for Community Sustainability

TITLE: **HRPB#20-002100003:** A Distance Proximity Waiver for the proposed beer and wine sales for on-site consumption as an accessory use to the existing business, pursuant to but not limited to Sections 23.2-7, 23.3-14, and Section 23.5-4 of the Land Development Regulations. The subject property is located in the Downtown (DT) Zoning District and is a contributing resource to the Old Town Local Historic District.

OWNER: Robert Mandell
513 515 Lake Avenue LLC
5550 Homeland Road
Wellington, Florida 33449

APPLICANT: Maria Paz
Art Studio Café LLC
515 Lake Avenue
Lake Worth Beach, Florida 33460

PROPERTY DEVELOPMENT HISTORY

The subject property at 513 - 515 Lake Avenue was constructed c.1952 in the commercial Mid-Century Modern architectural style. The structure is located on the south side of Lake Avenue, between L and M Street. Prominent local architect Edgar Wortman designed the structure at a cost of \$21,000. The original architectural drawings are included as **Attachment B**. The architectural drawings illustrate a single-story, three-bay commercial building of masonry construction with a flat roof. Character-defining features of the building include a stone veneer on the front façade, large plate glass storefront windows with jalousie vents at the top, aluminum detailing, and a recessed parapet designed to accommodate signage. City building permit records indicate the structure was constructed as a two-bay commercial building instead of three-bays as indicated in the original architectural drawings. The building has been subject to significant alterations overtime, which include interior renovations, awning installation, and exterior alterations that removed original character-defining features from the front façade. At the February 12, 2020, Historic Resources Preservation Board (HRPB) meeting, a mural installation was approved on the rear east elevation facing South M Street.

PROJECT DESCRIPTION

The Applicant, Maria Paz, is requesting a Distance Proximity Waiver from other alcoholic beverage establishments, protected land uses, and residential properties within five hundred (500) feet of the proposed beer and wine sales for on-site consumption. The subject property is located in the Downtown (DT) Zoning District and retains a Future Land Use (FLU) of Downtown Mixed Use (DMU).

The application will require the following approval:

- 1. Distance Proximity Waiver:** A request to waive the prohibition of alcoholic beverage sales within five hundred (500) feet of other alcoholic beverage establishments, protected land uses, and residential properties for the existing business Art Studio Café located at 513 – 515 Lake Avenue.

STAFF RECOMMENDATION

Staff recommends **approval with conditions** as provided on page 6.

PROPERTY DESCRIPTION

Owner	Robert Mandell
General Location	South side of Lake Avenue, between L and M Street
PCN	38-43-44-21-15-023-0141
Zoning	Downtown (DT)
Existing Land Use	Art Gallery/Studio
Future Land Use Designation	Downtown Mixed Use (DMU)

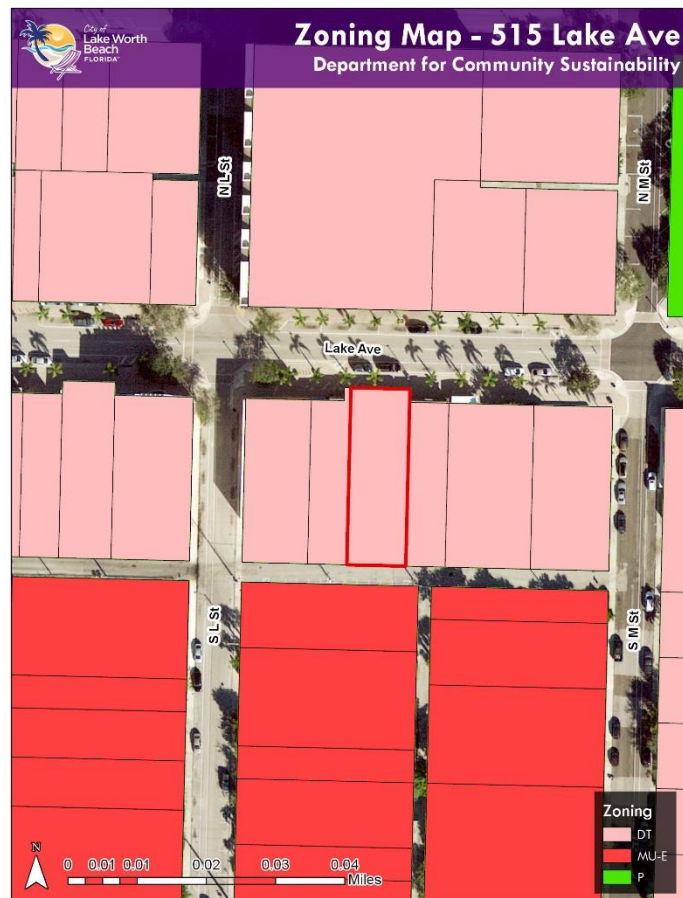


SITE ANALYSIS

Surrounding Properties

The following summarizes the nature of the surrounding properties adjacent to the subject site:

- NORTH:** To the north of subject property, across from Lake Avenue, is the Lucerne Condominium. Similar to the subject property, the parcel is zoned Downtown (DT) and has a future land use designation of Downtown Mixed Use (DMU).
- SOUTH:** To the south of the subject property, across from the alley, is a surface parking lot. The parcel is zoned Mixed-Use East (MU-E) has a future land use designation downtown Mixed Use (DMU).
- EAST:** To the east of the subject property, is a commercial office for Coastline Realty. Similar to the subject property, the parcel is zoned Downtown (DT) and has a future land use designation of Downtown Mixed Use (DMU).
- WEST:** To the west of the subject property, is the restaurant Nature's Way Café. Similar to the subject property, the parcel is zoned Downtown (DT) and has a future land use designation of Downtown Mixed Use (DMU).



The Applicant is requesting a distance proximity waiver to allow beer and wine sales for on-site consumption as an accessory use to the existing art gallery/studio business, Art Studio Café, within five hundred (500) feet of other place of business of other alcoholic beverage establishments, protected land uses, and residential properties.

Consistency with the Comprehensive Plan

The subject property is located in the Downtown Mixed Use Future Land Use (FLU) designation, within the Cultural Arts Overlay District. The intent of the Downtown Mixed Use land use category is to promote the establishment and expansion of a broad range of office, retail and commercial uses. Ground floors facing Lake and Lucerne Avenues must be retail/office/personal service-based uses. The existing business, Art Studio Café, is consistent with the intent Downtown Mixed Use as it provides retail of art and souvenirs and art classes facing Lake Avenue. The intent of The Cultural Arts Overlay land use category (Policy 1.1.1.14) is to provide for the establishment and enlargement of cultural arts related uses within a variety of broader land use categories near the urban core of the city and along the FEC railway corridor within close proximity of the historic downtown. The Art Studio Café promotes the enlargement of cultural arts within the City's downtown by providing a space where art is created and sold. The subject request is accessory in nature and will not change the principal use of the business.

ZONING ANALYSIS

Staff has reviewed the documentation and materials provided and has outlined the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs) concerning alcoholic beverages.

Section 5.5(d) – Standards for Review/Decision

A decision on a request for a waiver shall be guided by the following factors:

- 1) Whether approval of the waiver will result in two (2) or more alcoholic beverage establishments having a license within five hundred (500) feet of a protected land use or each other, or within five hundred (500) feet of a property zoned for residential use;

Staff Analysis: The approval of the waiver will result in thirteen (13) alcoholic beverage establishments having a license within five hundred (500) feet of the proposed beer and wine sales for on-site consumption. **Attachment C** provides a map of alcoholic establishments within five hundred (500) feet of the property located at 513 – 515 Lake Avenue. Per LDR Section 5.5(a)(2), protected land uses are identified as churches, public or private schools, parks, and libraries. The approval of the waiver will result in the City's Public Library and a church (Church by the Glades) being located within five hundred (500) of the proposed accessory use. Additionally, residential uses along Lake Avenue and Lucerne Avenue, as well as the residential neighborhoods south of Lake Avenue, will be located five (500) feet from the beer and wine sales for on-site consumption if the waiver is approved.

- 2) Whether the license is being added to or is a license upgrade of an existing use or to an establishment which is relocating to the subject location;

Staff Analysis: The proposed beer and wine sales for on-site consumption will be an accessory use to the existing art gallery/studio business. If approved, Staff has added a condition of approval that the Applicant shall apply for a City of Lake Worth Beach Business License to legally operate the on-site consumption of alcoholic beverages.

- 3) If the property contains a structure which is on the National Register of Historic Places or otherwise has been designated by the city as having historic architectural significance, whether the structure will be preserved or developed so as to retain its architectural and historic character; and

Staff Analysis: The subject property is classified as a contributing resource to the Old Town Local Historic District. The Applicant is not proposing any exterior alterations as part of the request for beer and wine sales for on-site consumption.

- 4) Whether the waiver promotes the health, safety and welfare of the neighborhood and the public.

Staff Analysis: The Applicant states in the justification statement, included as **Attachment E**, that Lake Avenue is an area richly endowed with bars and restaurants. The Art Studio Café is a social gathering venue for the community. The ability to offer beer and wine will enhance the experience of “sip and paint” and “drag and draw” art classes already offered. Additionally, the site was reviewed to maximize compliance of the historic property with the City’s LDRs to promote the health, safety and welfare of the neighborhood as feasible.

Staff has added several conditions of approval so that the business operates within the allowed hours of sale and minimum landscape requirements to ensure the proposed accessory use promotes health, safety, and welfare and is not a detriment to the surrounding community.

HISTORIC PRESERVATION ANALYSIS

The Historic Preservation Program reviews requests for exterior alterations to all properties within the historic districts, and individually listed properties. The Distance Proximity Waiver for the proposed beer and wine sales for on-site consumption as an accessory use to the existing business does not simultaneously propose exterior alterations to the contributing resource. Per the Certificate of Appropriateness (COA) Approval Matrix, interior alterations not affecting the exterior appearance do not require Historic Preservation approval.

PUBLIC COMMENT

At the time of publication of the agenda, Staff has received no public comment.

CONCLUSION

Based on the data and analysis in this report, staff recommends approval with conditions listed below to waive the prohibition of alcoholic beverage sales within five hundred (500) feet of other place of business or other alcoholic beverage establishments, protected land uses, and residential properties.

Conditions of Approval:

- 1) The Applicant shall apply for a City of Lake Worth Beach Business License to legally operate the on-site consumption of beer and wine as an accessory use to the existing business.
- 2) The on-site consumption of beer and wine is not allowed as a principal use.
- 3) A designated bar and/or seating area for the on-site consumption of beer and wine is not allowed.
- 4) Any interior structural alterations shall require a City of Lake Worth Beach Building Permit.
- 5) No person shall sell, deliver, consume or permit the sale, delivery, service or consumption of alcoholic beverages on the premises except for the following hours where a business holds a legal alcohol license: The hours of sale of alcoholic beverages of more than one (1) percent of alcohol by weight shall be from 12:00 a.m. (midnight) to 2:00 a.m., and 7:00 a.m. to 11:59 p.m., each day.
- 6) The rear parking lot shall be landscaped and maintained to meet minimum landscape requirements, subject to Staff review at permitting.

POTENTIAL MOTION

I MOVE TO **APPROVE** HRPB Project Number 20-02100003 with staff recommended conditions to waive the prohibition of alcoholic beverage sales within five hundred (500) feet of other place of business of other alcoholic beverage establishments, protected land uses, and residential properties for the existing business Art Studio Café located at **513 – 515 Lake Avenue**, based upon the competent substantial evidence provided in the staff report and pursuant to the City of Lake Worth Beach Land Development Regulations.

I MOVE TO **DENY** HRPB Project Number 20-02100003 to waive the prohibition of alcoholic beverage sales within five hundred (500) feet of other place of other alcoholic beverage establishments, protected land uses, and residential properties for the existing business Art Studio Café located at **513 – 515 Lake Avenue**, because the Applicant has not established by competent substantial evidence that the request is in compliance with the City of Lake Worth Beach Land Development Regulations.

ATTACHMENTS

- A. Property Survey
- B. Property File Documentation
- C. Current Photos
- D. Alcoholic Establishment Map
- E. Applicant Justification Statement



MEMORANDUM DATE: June 3, 2020

AGENDA DATE: June 10, 2020

TO: Chair and Members of the Historic Resources Preservation Board

RE: **1000 Lake Avenue**

FROM: Jordan Hodges, Senior Preservation Coordinator
Abraham Fogel, Preservation Planner
Department for Community Sustainability

TITLE: **HRPB Project Number 20-00100082 and 20-01400024:** A Certificate of Appropriateness for exterior alterations and a Major Site Plan Approval for the existing commercial structure located at **1000 Lake Avenue**, pursuant to but not limited to Sections 23.2-7, 23.3-19, and Section 23.5-4 of the Land Development Regulations. The subject property is located in the Transit Oriented Development-East (TOD-E) Zoning District and is a contributing resource to the Old Town Local Historic District.

<u>Applicant:</u>	Juan Contin Contin Architecture and Design 826 South Federal Highway Lake Worth Beach, FL 33460	<u>Owner:</u>	Bhavin Shah Oak Lane Partners 4730 NW 2 nd Ave, Ste. 100 Boca Raton, FL 33431
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PROPERTY DEVELOPMENT HISTORY

The subject property is classified as a contributing resource to the Old Town Local Historic District. According to Florida Master Site File (FMSF) #419, the building at 1000 Lake Avenue is an example of Mediterranean Revival architecture. Construction began on the building known as Lake Worth's "Gulfstream Lodge" Scottish Rite Temple in May of 1921. West Palm Beach architect Bruce Kitchell designed the building and construction was financed through the selling of ten-year bonds. Locally renowned architect G. Sherman Childs revised Kitchell's plans and the Kermodé-Cole Construction Company of South Palm Beach supervised construction. The building was dedicated in April of 1926 with construction costs near \$200,000. The building suffered extensive damage during the 1928 Okeechobee Hurricane, which led to substantial alterations.

On September 22, 2001, the Old Town Commercial Historic District was added to the National Register of Historic Places. The structure at 1000 Lake Avenue is classified as a contributing resource on the Old Town Commercial National Historic District map, and the District's designation report indicates that the building is the only remaining Mediterranean Revival style structure located within the district boundary. The property file documentation is included as **Attachment C**.

PROJECT DESCRIPTION

The subject property is located on the southwest corner of Lake Avenue and North H Street. In February 2018, the Lake Worth Beach Community Redevelopment Agency (CRA) executed a purchase and sale and

development agreement with 1000 Lake, LLC for the renovation and sale of the property located at 1000 Lake Avenue. The proposed project seeks to rehabilitate the existing building to bring it closer to its historic appearance. Although the building suffered extensive damage during the 1928 Okeechobee Hurricane, many features of the structure’s original design remain. The proposed rehabilitation will replicate architectural features and detailing that have been removed from the building over time. If approved, the subject application would allow the rehabilitation of the structure’s exterior with new windows, doors, awnings, storefronts, signage, re-stucco of the building’s exterior, installation of new barrel tiles on the west side of the structure, and a full interior renovation. In addition, the existing parking lot will be redeveloped with 24 parking spaces, landscaping, and new lighting.

The Applicant, Juan Contin, on behalf of Oak Lane Partners is requesting approval of the following:

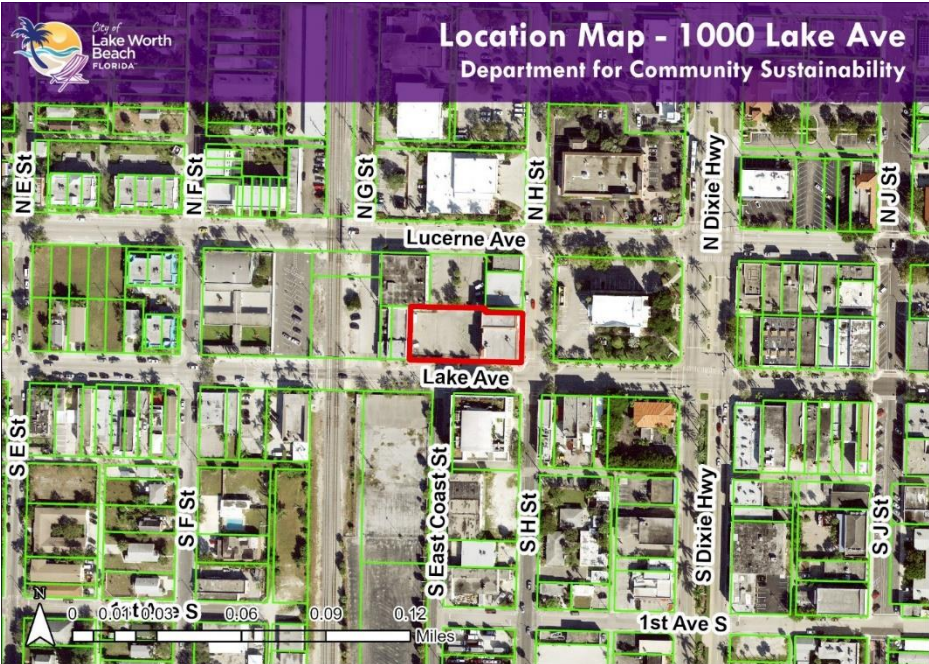
1. **Certificate of Appropriateness** for exterior alterations to the existing structure.
2. **Major Site Plan** for redevelopment of the property’s parking lot.

STAFF RECOMMENDATION:

Staff recommends approval of the Certificate of Appropriateness and Major Site Plan with conditions as provided on pages 14-15.

PROPERTY DESCRIPTION

Owner	Bhavin Shah
General Location	Southwest corner of Lake Avenue and North H Street
PCN	38-43-44-21-15-506-0090
Zoning	Transit Oriented Development-East (TOD-E)
Existing Land Use	There are no active business licenses
Future Land Use Designation	Transit-Oriented Development (TOD-E)

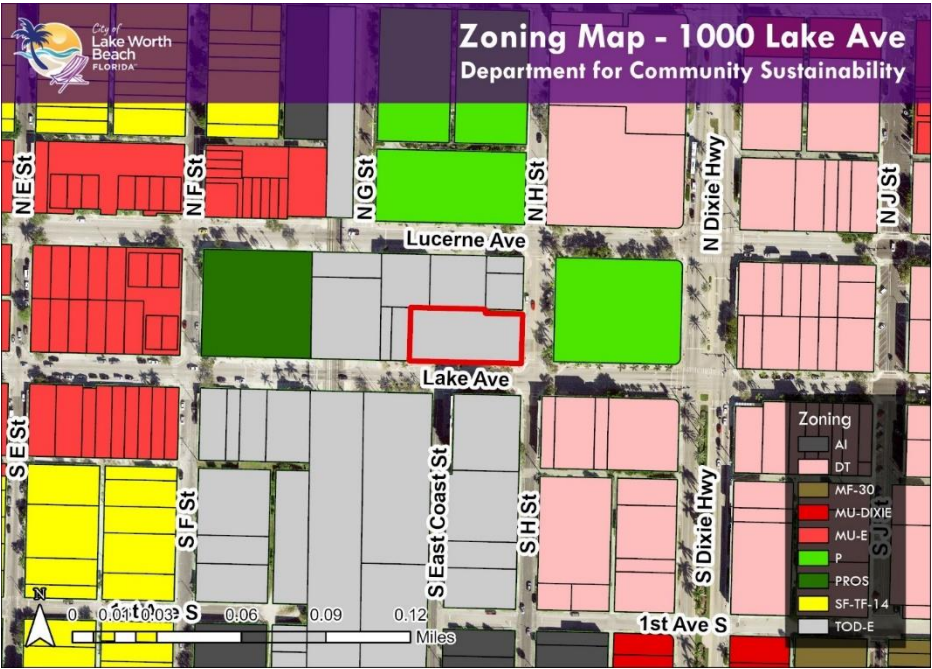


SITE ANALYSIS

Surrounding Properties

The following summarizes the nature of the surrounding properties adjacent to the subject site and their driveway design:

- NORTH:** To the north of the subject property, is a commercial building. This area contains a FLU designation of TOD and a Zoning designation of TOD-E.
- SOUTH:** To the south of the subject property, across Lake Avenue, is an office building. This area contains a FLU designation of TOD and a Zoning designation of TOD-E.
- EAST:** To the east of subject property, across from North H Street, is the City of Lake Worth Beach City Hall. The parcel is zoned Public (P) and has a future land use designation of Public (P).
- WEST:** To the west of the subject property, is a commercial building. This area contains a FLU designation of TOD and a Zoning designation of TOD-E.



Consistency with the Comprehensive Plan

The proposed project is consistent with Goal 1.4 of the Comprehensive Plan which encourages preservation and rehabilitation of historic resources. The proposed project will rehabilitate a contributing resource to the Old Town Local Historic District and Old Town Commercial Historic District. The scope of work will restore the existing historical building using its current form with elements of its original design, based on historic photographs and postcards. The proposed project is also consistent with Goal 1.6 of the Comprehensive Plan which supports coordination with the City’s Community Redevelopment Area (CRA) for redevelopment initiatives of the historic downtown commercial core of the City. The CRA executed a purchase and sale and development agreement with 1000 Lake, LLC for the renovation and sale of the subject property. The proposed project promotes the redevelopment of the City’s historic downtown commercial core.

LAND DEVELOPMENT CODE REQUIREMENTS

The existing footprint of the building will remain as it is currently. The proposed site changes include redevelopment of the existing surface parking lot with 24 parking spaces, landscaping, and new lighting. The redeveloped parking lot and new signage will be discussed below.

Land Development Code Requirements		
Code References	23.4-10 (Off-street parking); 23.5-1 (Signs)	
Lot Area	21,000 sq. ft.	
	Required	Proposed
Parking	Changes in use, remodeling, of existing buildings as designated as a contributing structure in one (1) of the city's historic districts are exempt from providing a greater number of off-street parking spaces	24 Off-Street Parking Spaces
Signage	100 sq. ft. maximum sign area*	18 sq. ft. (combined area of two signs)

*Based on North H Street frontage (more than 50 feet/not more than 100 feet)

Parking: As a contributing resource in the Old Town Local Historic District, changes in use and remodeling of the existing structure are exempt from providing a greater number of off-street parking spaces. The proposed site plan (Sheet 100) of **Attachment D**, indicates the parking lot will be redeveloped with 24 parking spaces. The parking layout is designed to maximize the number of parking spaces that can be accommodated in this existing parking area. Therefore, the proposal meets the minimum parking requirements by maintaining the existing grandfathered number of spaces.

The parking lot is divided into two sections, which comprise Phase 1 and Phase 2 of the project. The Phase 1 parking area provides 20 parking spaces during the building construction; the proposed paving material is asphalt. The Phase 2 parking area provides 4 parking spaces during the parking lot construction; the proposed paving material is recycled millings. Staff has added a condition of approval to ensure appropriate stabilization is maintained to keep the recycled millings out the right-of-way. Staff has also

added the condition of approval that the temporary parking area shall not extend beyond 5 years of use. Once both phases are complete, a total of 24 off-street parking spaces will be provided.

Signage: The following signage is part of the proposed project:

- One 8 square foot projecting sign on the southeast corner of the building
- One 10 square foot wall sign on the west façade of the building

The scaled graphic depiction of the signage on the building is shown on Sheet A202, included as **Attachment D**. Both signs will have brushed stainless-steel letters and numbers featuring “1000 Lake”. The proposed signage is in compliance with the maximum sign area and the special regulations for projecting signs and wall signs. The renderings of the proposed elevations show murals on the west elevation. Although the renderings of the building illustrate murals on some facades, the Applicant has not applied for mural installations, therefore mural installation is not included in this approval.

Landscaping: The new landscaping will be installed in the redeveloped surface parking lot. Perimeter landscaping will be installed between the surface parking lot and Lake Avenue and abutting properties. Landscape islands will be installed to meet interior landscape requirements for the parking area. Proposed trees include Live Oaks and Silver Buttonwood trees. The hedging and overall landscaping will include Simpson Stoppers, Red Tip Cocoplums, Ilex Shillings, and Cabbage Palms. Overall, the proposal complies with the City’s landscape regulations and tree palette identified in the Major Thoroughfare Design Guidelines for Lake Avenue.

Lighting: A new light fixture will be installed on the west side of the parking area. The light fixture detail is shown on Sheet 100.1, included as **Attachment D**. The Applicant has submitted 3 options for the light fixture design. Staff has added a condition of approval that the new light fixture have an acorn design to match existing light fixtures along Lake Avenue. By utilizing this design option, the proposed lighting is in compliance with the Major Thoroughfare Design Guidelines.

Major Thoroughfare Design Guidelines: The project has been reviewed and found to be compliant with the City’s Major Thoroughfare Design Guidelines, particularly regarding the proposed lighting and landscaping in the redeveloped surface parking lot.

Master Development Plan (Major Site Plan):

A master site plan is required for the redevelopment of the parking area. The review criteria below is intended to promote safety and minimize negative impacts of development on its neighbors by establishing qualitative requirements for the parking areas, landscaping, and other site improvements.

Section 23.2-31(c): Qualitative Development Standards

1. *Harmonious and efficient organization.* All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of plot, the character of adjoining property and the type and size of buildings. The site shall be developed so as to not impede the normal and orderly development or improvement of surrounding property for uses permitted in these LDRs.

Staff Analysis: The Applicant has stated that the site plan seeks to add a parking lot that will incorporate native plants to the building site. It will be a significant addition by incorporating natural landscape and vegetation to a lot that is abandoned with a large impervious surface. The redeveloped parking lot will provide buffering from Lake Avenue and abutting properties that will improve the pedestrian experience on the City's Major Thoroughfare. **Meets Criterion.**

2. *Preservation of natural conditions.* The natural (refer to landscape code, Article 6 of these LDRs) landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal and by such other site planning approaches as are appropriate. Terrain and vegetation shall not be disturbed in a manner likely to significantly increase either wind or water erosion within or adjacent to a development site. Natural detention areas and other means of natural vegetative filtration of stormwater runoff shall be used to minimize ground and surface water pollution, particularly adjacent to major waterbodies as specified in Part II, Chapter 12, Health and Sanitation, Article VIII, Fertilizer Friendly Use Regulations. Fertilizer/pesticide conditions may be attached to development adjacent to waterbodies. Marinas shall be permitted only in water with a mean low tide depth of four (4) feet or more.

Staff Analysis: This section is not applicable. The Applicant states that the lot as it exists today is nearly completely paved, with little vegetation. **Meets Criterion.**

3. *Screening and buffering.* Fences, walls or vegetative screening shall be provided where needed and practical to protect residents and users from undesirable views, lighting, noise, odors or other adverse off-site effects, and to protect residents and users of off-site development from on-site adverse effects. This section may be interpreted to require screening and buffering in addition to that specifically required by other sections of these LDRs, but not less.

Staff Analysis: The Applicant states that the proposed landscaping will include several Oak trees, Sabal Palms, and Cocoplum hedges that line the walkways leading to the building, and the perimeter and interior of the parking area. **Meets Criterion**

4. *Enhancement of residential privacy.* The site plan shall provide reasonable, visual and acoustical privacy for all dwelling units located therein and adjacent thereto. Fences, walks, barriers and vegetation shall be arranged for the protection and enhancement of property and to enhance the privacy of the occupants.

Staff Analysis: The Applicant states that there are no existing residential uses in the immediate area . As indicated in the site analysis, the surrounding buildings are commercial/office and there are no abutting residential uses. **Meets Criterion.**

5. *Emergency access.* Structures and other site features shall be so arranged as to permit emergency vehicle access by some practical means to all sides of all buildings.

Staff Analysis: The Applicant states that the site is an existing corner building with two streets abutting it (Lake Avenue and North H Street), making it easy for emergency vehicles to arrive. **Meets Criterion.**

6. *Access to public ways.* All buildings, dwelling units and other facilities shall have safe and convenient access to a public street, walkway or other area dedicated to common use; curb cuts close to railroad crossings shall be avoided.

Staff Analysis: The Applicant indicated that the site has an existing walkway on Lake Avenue and North H Street that is easily accessible to the public. From the parking lot, Lake Avenue will be accessible to and from the public sidewalk. **Meets Criterion.**

7. *Pedestrian circulation.* There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.

Staff Analysis: As stated above, the site has existing pedestrian circulation (public sidewalk) on Lake Avenue and North H Street due to its corner location. The Applicant states that the redeveloped parking lot will provide vehicular circulation that will comply with Florida Department of Transportation (FDOT) standards. **Meets Criterion.**

8. *Design of ingress and egress drives.* The location, size and numbers of ingress and egress drives to the site will be arranged to minimize the negative impacts on public and private ways and on adjacent private property. Merging and turnout lanes traffic dividers shall be provided where they would significantly improve safety for vehicles and pedestrians.

Staff Analysis: The Applicant states the site will provide a 24-car parking lot entering and exiting Lake Avenue. The proposed parking lot will have a one-way loop which provides 45-degree angled parking and 90-degree parking. The vehicular ingress and egress are placed on the site to minimize any interaction of vehicles with pedestrian circulation. **Meets Criterion.**

9. *Coordination of on-site circulation with off-site circulation.* The arrangement of public or common ways for vehicular and pedestrian circulation shall be coordinated with the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Minor streets shall not be connected to major streets in such a way as to facilitate improper utilization.

Staff Analysis: The Applicant states that a 5-foot wide walkway lines the east side of the parking area and is connected to Lake Avenue. Since the existing building is on a zero line, the building connects with the existing sidewalks on Lake Avenue and North H Street. There will also be an entry way into the building directly from the parking area on the west side of the building. **Meets Criterion.**

10. *Design of on-site public right-of-way.* On-site public street and rights-of-way shall be designed for maximum efficiency. They shall occupy no more land than is required to provide access, nor shall they unnecessarily fragment development into small blocks. Large developments containing extensive public rights-of-way shall have said rights-of-way arranged in a hierarchy with local streets providing direct access to parcels and other streets providing no or limited direct access to parcels.

Staff Analysis: The Applicant states that the existing sidewalks on Lake Avenue and North H Street provide off-site public right-of-way. There is no on-site public rights-of-way due to the existing building being on a zero lot line. Sidewalk curbs and ramps will be provided where necessary for the redeveloped parking

area. The 5-foot walkway on the east side of the parking lot will connect to the sidewalk on Lake Avenue.
Meets Criterion.

11. *Off-street parking, loading and vehicular circulation areas.* Off-street parking, loading and vehicular circulation areas shall be located, designed and screened to minimize the impact of noise, glare and odor on adjacent property.

Staff Analysis: The Applicant states that off-street parking will be located on the west side of the building (redeveloped existing surface parking lot). The parking lot is designed with a one-way parking aisle to minimize vehicular congestion. The alley facing north of the existing building will provide loading for future tenants of the building. **Meets Criterion.**

12. *Refuse and service areas.* Refuse and service areas shall be located, designed and screened to minimize the impact of noise, glare and odor on adjacent property.

Staff Analysis: The Applicant states that the refuse and service areas will be limited to the service alley that is on the north side of the building and a new dumpster enclosure on the north side of the parking lot. This is a common arrangement that other buildings have throughout the downtown area. The proposed location minimizes impacts to adjacent properties. **Meets Criterion.**

13. *Protection of property values.* The elements of the site plan shall be arranged so as to have minimum negative impact on the property values of adjoining property.

Staff Analysis: The Applicant states that the historic elements of building will only enhance surrounding properties. The rehabilitation will add landscaping, renovated facades, and needed repairs. All of these items are designed to follow historic guidelines of the City of Lake Worth Beach and the Historic Preservation Ordinance. **Meets Criterion.**

14. *Transitional development.* Where the property being developed is located on the edge of the zoning district, the site plan shall be designed to provide for a harmonious transition between districts. Building exteriors shall complement other buildings in the vicinity in size, scale, mass, bulk, rhythm of openings and character. Consideration shall be given to a harmonious transition in height and design style so that the change in zoning districts is not accentuated. Additional consideration shall be given to complementary setbacks between the existing and proposed development.

Staff Analysis: The Applicant states that this criterion is not applicable. The site plan changes are limited to the redevelopment of the parking lot. The existing historic building is in harmony with the abutting Downtown (DT) and Public (P) Zoning Districts. **Meets Criterion.**

15. *Consideration of future development.* In finding whether or not the above standards are met, the review authority shall consider likely future development as well as existing development.

Staff Analysis: The Applicant states that the development is consistent with the Transit Oriented Development-East (TOD-E) Zoning District. Part of the site that is next to the west side of the parking lot

remains empty and may become a separate building in the future. Future development requests have not been submitted to the City of Lake Worth Beach. **Meets Criterion.**

Section 23.2-31(l): Community Appearance Criteria

1. The plan for the proposed structure or project is in conformity with good taste, good design, and in general contributes to the image of the city as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas and high quality.

Staff Analysis: The Applicant states that the objective of the project is to restore 1000 Lake Avenue by replicating its architectural details and accents from its time period. Architectural features like spandrel panels, historic windows and doors, wall and window bandings will be within the project focus to bring 1000 Lake Avenue back to its architectural correctness. **Meets Criterion.**

2. The proposed structure or project is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.

Staff Analysis: The Applicant states that the project exterior will replicate its original appearance from the 1920's according to historic photographs and postcards. This will add value to all adjacent properties and will help activate the City's downtown. **Meets Criterion.**

3. The proposed structure or project is in harmony with the proposed developments in the general area, with code requirements pertaining to site plan, signage and landscaping, and the comprehensive plan for the city, and with the criteria set forth herein.

Staff Analysis: The Applicant states that the existing building will help revitalize the City's downtown. The proposed landscaping and site plan will be in harmony with all of the requirements pertaining to site plan, signage, landscaping, and the City's Comprehensive Plan. **Meets Criterion.**

4. The proposed structure or project is in compliance with this section and 23.2-29, as applicable.

Staff Analysis: This section is not applicable. No proposed uses or conditional uses are proposed with this project. **Meets Criterion.**

HISTORIC PRESERVATION ANALYSIS

The building at 1000 Lake Avenue is an example of Mediterranean Revival architecture. The building was constructed in 1921 as Lake Worth's "Gulfstream Lodge" Scottish Rite Temple. The building suffered extensive damage during the 1928 Okeechobee Hurricane, which led to substantial alterations. Although the proposal does not seek to restore the building to its original appearance, the proposed rehabilitation does seek to replicate architectural features and detailing that have been removed from the building over time. The property file documentation, include as **Attachment C**, features historic photographs and postcards of the building, depicting its appearance through the years. The project proposes to rehabilitate the structure's exterior by installing new windows, doors, awnings, signage, stucco, and a full interior renovation. The description below will detail the

proposed work on each elevation and the new entrance locations that match the building's original design.

East Elevation (Fronting North H Street)

On the first floor, four enclosed bays will be reopened to construct new storefronts with canvas awnings. Two pairs of French doors with decorative fanlights will be installed to match the original doors, creating new entrances their historic locations on North H Street. A triplet of arched windows between the doors, which are currently enclosed will be reconstructed. The second-story balcony will be reconstructed and new French doors will be installed. The larger openings will be replaced with pairs and triplets of single-hung windows with transoms to match the historic windows. One single-hung window will be installed on the corner to match the original window appearance. The smaller window openings will utilize fixed glass with divided-light patterns to replicate original casement windows. The existing barrel tile roof will remain along the building's parapet.

South Elevation (Fronting Lake Avenue)

On the first floor, five enclosed bays will be reopened to construct new storefronts with canvas awnings. A pair of French Doors with sidelights will be installed to create a new entrance on Lake Avenue. The larger openings will be replaced with triplets of single-hung windows with a transom, to match the historic windows. One single-hung window will be installed on the corner to match the original window appearance. The smaller window openings on the third floor will utilize pairs of single-hung windows. The existing barrel tile roof will remain along the building's parapet.

West Elevation (Fronting Parking Lot)

New French doors will be installed on the first floor. The larger openings will be replaced with triplets of single-hung windows. The smaller window openings will utilize fixed glass to replicate original casement windows. The existing barrel tile roof will remain along the building's parapet. The existing asphalt shingle shed roof will be replaced with new barrel times to match existing.

North Elevation (Fronting Service Alley)

The larger openings will be replaced with triplets of hung-windows. The smaller window openings will utilize fixed glass to replicate original casement windows. Single openings will be replaced with hung windows.

Staff's analysis of the general guidelines for granting certificates of appropriateness and the additional guidelines for alterations is provided below.

Section 23.5-4(k) – Review/Decision

1. *In general.* In approving or denying applications for certificates of appropriateness, the city shall, at a minimum, consider the following general guidelines:
 - A. What is the effect of the proposed work on the landmark or the property upon which such work is to be done?

Staff Analysis: The proposed work seeks to recreate historic elements of the structure located at 1000 Lake Avenue. New windows, doors, awnings, reconstruction of original openings, signage, re-stucco of the building's exterior, and new barrel tiles are designed in accordance with historic photographs and postcards.

- B. What is the relationship between such work and other structures on the landmark site or other property in the historic district?

Staff Analysis: The proposed work will have an indirect physical effect on surrounding properties within the Old Town Local Historic District. According to the Applicant, the project will add value to all adjacent properties and will help activate the City's downtown.

- C. To what extent will the historic, architectural, or archaeological significance, architectural style, design, arrangement, texture, materials and color of the landmark or the property be affected?

Staff Analysis: Due to substantial alterations overtime, many character-defining features of the structure were removed. The project seeks to restore certain architectural elements of the structure, such as window and storefront configurations, based on historic photographs and postcards. The existing awning windows will be replaced with windows that match the configuration of the original historic openings. The enclosed storefront openings on the first floor will be reconstructed with new storefront systems. The existing asphalt shingle roof on the rear of the building will be replaced with new barrel tiles to match the existing roof on the remainder of the building. All proposed work is generally compatible with the original character of the structure and the Mediterranean Revival architectural style.

- D. Would denial of a certificate of appropriateness deprive the property owner of reasonable beneficial use of his property?

Staff Analysis: A denial of the certificate of appropriateness could deprive the property owner from rehabilitating the historic structure that has remained vacant for many years and requires extensive restoration and repair to become viable.

- E. Are the applicant's plans technically feasible and capable of being carried out within a reasonable time?

Staff Analysis: Yes, the Applicant's plan are technically feasible and can be completed within a reasonable timeframe.

- F. Are the plans (i) consistent with the city's design guidelines, once adopted, or (ii) in the event the design guidelines are not adopted or do not address the relevant issue, consistent as reasonably possible with the applicable portions of the United States Secretary of the Interior's Standards for Rehabilitation then in effect? Copies of the city's design guidelines, once adopted, and the United States Secretary of the Interior's Standards for Rehabilitation are available at the department for community sustainability and are posted on the city website.

Staff Analysis: According to the Secretary of the Interior's Standards and the City of Lake Worth Beach Historic Preservation Design Guidelines, distinctive materials that

characterize a property shall be preserved or replaced in-kind. If a distinctive feature must be replaced, the new feature should match the old in design, color, texture, and materials where possible. Most of the original materials and character-defining features of this structure have been substantially altered or removed overtime. The proposed work generally matches the old in design, color, texture, and materials based on historic photographs and postcards. The project is also consistent with the Mediterranean Revival style section of the City's Historic Preservation Design Guidelines.

- G. What are the effects of the requested change on those elements or features of the structure which served as the basis for its designation and will the requested changes cause the least possible adverse effect on those elements or features?

Staff Analysis: The fenestration patterns, decorative arches, stucco bandings and engaged columns are elements or features that formed the basis of the structure's designation as a contributing resource. The proposed work will enhance and restore these features as well as replace original features that were lost overtime with compatible replacement products.

2. *Additional guidelines for alterations and additions.* In approving or denying applications for certificates of appropriateness for alterations and additions, the city shall also consider the following additional guidelines:

Landmark and contributing structures:

- A. Is every reasonable effort being made to provide a compatible use for a property that requires minimal alteration of the building, structure or site and its environment, or to use the property for its originally intended purpose?

Staff Analysis: Not applicable, no proposed uses or conditional uses are proposed with this project.

- B. Are the distinguishing original qualities or character of a building, structure or site and its environment being destroyed? The removal or alteration of any historic material or distinctive architectural features shall be avoided whenever possible.

Staff Analysis: Original architectural features will not be destroyed. The project proposes rehabilitation based on historic photographs and postcards that seek to return features that were lost due to substantial alterations overtime.

- C. Is the change visually compatible with the neighboring properties as viewed from a primary or secondary public street?

Staff Analysis: The project does not propose any changes to the building form. The new windows, doors, awnings, reconstruction of original openings, signage, re-stucco of the building's exterior, and new barrel tiles are visually compatible with neighboring properties.

- D. When a certificate of appropriateness is requested to replace windows or doors the HRPB or development review officer, as appropriate, may permit the property owner's original design when the city's alternative design would result in an increase in cost of twenty-five

(25) percent above the owner's original cost. The owner shall be required to demonstrate to the city that:

- (1) The work to be performed will conform to the original door and window openings of the structure; and

Staff Analysis: Yes, the proposed doors and windows openings will not be altered for to accommodate new replacement products.

- (2) That the replacement windows or doors with less expensive materials will achieve a savings in excess of twenty-five (25) percent over historically compatible materials otherwise required by these LDRs. This factor may be demonstrated by submission of a written cost estimate by the proposed provider of materials which must be verified by city staff; and

Staff Analysis: Not applicable, the Applicant did not request to replace the windows and doors with less expensive materials.

- (3) That the replacement windows and doors match the old in design, color, texture and, where possible, materials where the property is significant for its architectural design or construction.

Staff Analysis: Yes, the proposed windows and doors are proposed to match the original designs found in historic photographs and postcards.

- (4) If the applicant avails himself of this paragraph the materials used must appear to be as historically accurate as possible and in keeping with the architectural style of the structure.

Staff Analysis: Not applicable, the Applicant has proposed historically accurate materials and did not request to use less expensive materials.

PUBLIC COMMENT

At the time of publication of the agenda, Staff has received no public comment.

CONCLUSION

The proposed request for a Certificate of Appropriateness and Major Site Plan is consistent with the purpose, intent and requirements of the Comprehensive Plan, underlying zoning district, and surrounding areas, subject to compliance with staff's proposed conditions of approval. The rehabilitation of the building will revitalize a contributing resource within the Old Town Local Historic District and restore elements of the original architectural design that once characterized the property. Therefore, staff recommends that the Board recommend approval of the proposed request with the conditions below:

PB County Fire:

1. Prior to the issuance of a building permit, ensure proper fire access is provided to all of the buildings.

Electric Utilities:

1. Prior to the issuance of a building permit, provide detailed load calculations and voltage requirements for the building.
2. Prior to the issuance of a Certificate of Occupancy (CO), a final inspection of all electrical work shall be done.

Historic Preservation

1. The windows, storefront window systems, doors shall be wood, wood-clad, aluminum, or fiberglass, subject to Staff review at permitting. In addition, the window and door frame colors shall also be subject to Staff review at permitting.
2. All window and door simulated divided light patterns shall be created utilizing exterior raised applied triangular muntins. No external flat muntins or “grids between the glass” shall be permitted.
3. The windows shall be recessed in the wall, and shall not be installed flush with the exterior wall.
4. The windows shall utilize clear glass or glass with a clear Low-E coating. Tinted, highly reflective, grey, or colored glass shall not be used.
5. The doors may utilize clear glass, frosted, obscure glass, or glass with a clear Low-E coating. Tinted, highly reflective, grey, colored, etched, or leaded glass shall not be used.
6. The new stucco and/or stucco repairs shall have the same texture as the stucco being removed, and shall blend seamlessly with any existing stucco. All stucco sills shall remain, or if too deteriorated for continued use, they shall be replicated in size, location, and material. The Applicant shall be responsible for contacting Historic Preservation Staff to review and inspect a portion of the stucco prior to completion.
7. The new barrel tiles on the west side of the structure shall match the existing roof in material, profile, shape, and color.
8. The new awnings shall be of canvas or similar fabric material. Vinyl awnings shall not be used.
9. Window opening #30 shall accommodate four (4) windows instead of (3) three to ensure consistency with other openings on the west elevation.
10. Window opening(s) #19, 20, 21, 31, 32, 38, 49, and 50 shall be revised to have an 8-light divided-light pattern as shown on the historic photographs.

Planning:

1. Any mural installations shall require subsequent Historic Resources Preservation Board (HRPB) review and approval.
2. Any future conditional uses shall require subsequent Historic Resources Preservation Board (HRPB) review and approval.
3. Appropriate stabilization must be maintained to keep the recycled millings, in the temporary parking area (Phase 2), out of the Right-Of-Way and stormwater system.
4. The temporary parking (Phase 2) area shall not extend for a period beyond 5 years of use.
5. The new light fixture on the west side of the parking lot shall utilize an acorn design to match the light fixtures on Lake Avenue.

6. The site plan data table shall be updated to indicate 24 off-street parking spaces will be provided.

Utilities Water & Sewer:

1. The submittal must include the geotechnical data required to support the drainage calculations. In addition, the geotechnical report must be for the specific property and include groundwater depth and percolation factors.
2. Provide a section detail at each property line from back to of building or curb to property line at grade. Ensure that these open spaces meet the City's policy of containing the 3 year – 1 hour storm event.
3. The grease trap shall not be located within the utility easement.
4. If required, provide a conceptual layout of the fire protection.
5. A 10-foot-wide easement or dedication will be required over the existing utilities.

POTENTIAL MOTION

I MOVE TO **APPROVE/DENY** HRPB Project Number 20-00100082 and 20-01400024 with staff recommended conditions for a Certificate of Appropriateness for exterior alterations to the existing structure and Major Site Plan Approval for redevelopment of the surface parking lot at **1000 Lake Avenue**, 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.

ATTACHMENTS

- A. Property Survey
- B. Current Photos
- C. Property File Documentation
- D. Proposed Plans



MEMORANDUM DATE: June 3, 2020

AGENDA DATE: June 10, 2020

TO: Chair and Members of the Historic Resources Preservation Board

RE: **327 North Lakeside Drive**

FROM: Jordan Hodges, Senior Preservation Coordinator
Abraham Fogel, Preservation Planner
Department for Community Sustainability

TITLE: HRPB Project Number(s) 20-001000089; 20-01500001; 20-01600001; 20-01600002; and 20-01600003: Consideration of a Certificate of Appropriateness for the construction of a ± 109 square foot addition, a Variance from base flood elevation requirements of the Florida Building Code, and three Historic Waivers for the minimum required side setback, maximum building lot coverage, and floor area ratio limitations for the single-family residence at **327 N Lakeside Drive**; PCN 38-43-44-21-15-100-0100. The subject property is located in the Single-Family Residential Zoning District (SF-R) and is a contributing resource within the Old Lucerne Local Historic District.

OWNER: Anthony Marotta
327 N Lakeside Drive
Lake Worth Beach, FL 33460

PROPERTY DEVELOPMENT HISTORY

Per documentation within the City's property files, the structure at 327 N Lakeside Drive was constructed as a single-family residence in 1912. A property appraiser's card from 1943 indicates that the structure was designed with a concrete foundation, wood and stucco exterior walls, a gable roof, and wood windows and doors. A rear accessory structure was also captured in the 1943 assessment of the property, which featured wood and stucco exterior walls and a gable and a shed roof.

In 1946, R. O. M. Richardson, the property owner, applied for a City of Lake Worth building permit to raise the roof of the residence by creating a broad projecting second-story dormer that spanned the depth of the house. The 1946 section and plan drawings indicate that the new second story accommodated four new bedrooms, an open stair hall, and a small bathroom. In 1947, permit records and plan and elevation drawings indicate that a two-vehicle frame garage was added to the existing rear accessory structure. These property file records have been included in this report as **Attachment A**. In 2015, an inground pool was erected between the residence and the rear accessory building. Other alterations to the property overtime include partial window and door replacement, multiple roof replacements, and various site improvements. Photos of the existing property are included as **Attachment B**. Overall, the structure retains a moderate degree of historic integrity of location, setting, materials, and design.

PROJECT DESCRIPTION

The property owner, Anthony Marotta, is requesting approval for a new ± 109 square foot two-story addition to the south side of the existing residence. The subject property is a 50' x 135' (6,750 square foot) platted lot of record located on the west side of North Lakeside Drive, between 3rd and 4th Avenue North, in Lake Worth Beach. The property is located in the Single-Family Residential (SF-R) Zoning District and retains a Future Land Use (FLU) designation of Single Family Residential (SFR). If approved, the application would allow the construction of the ± 109 square foot addition to the residence.

The application will require the following approvals:

1. **Variance from Base Flood Elevation (VAR)** from the Florida Building Code
2. **Certificate of Appropriateness (COA)** for the new residential addition and exterior alterations
3. **Historic Waiver (HW)** from minimum required side setback
4. **Historic Waiver (HW)** from maximum building lot coverage
5. **Historic Waiver (HW)** from maximum floor area ratio

STAFF RECOMMENDATION

Staff recommends approval with conditions, listed on pages 13 and 14, for the Certificate of Appropriateness and for the Variance from Base Flood Elevation requirements within the Florida Building Code. Staff recommends that the Board review the historic waiver criteria, Staff analysis, and Applicant responses to determine if the criterion for relief for each waiver has been sufficiently met.

PROPERTY DESCRIPTION

Owner	Anthony Marotta
General Location	West side of North Lakeside Drive between 3 rd and 4 th Avenue North
PCN	38-43-44-21-15-100-0100
Zoning	Single-Family Residential (SF-R)
Existing Land Use	Single Family Residence
Future Land Use Designation	Single Family Residential (SFR)



SITE ANALYSIS

Surrounding Properties

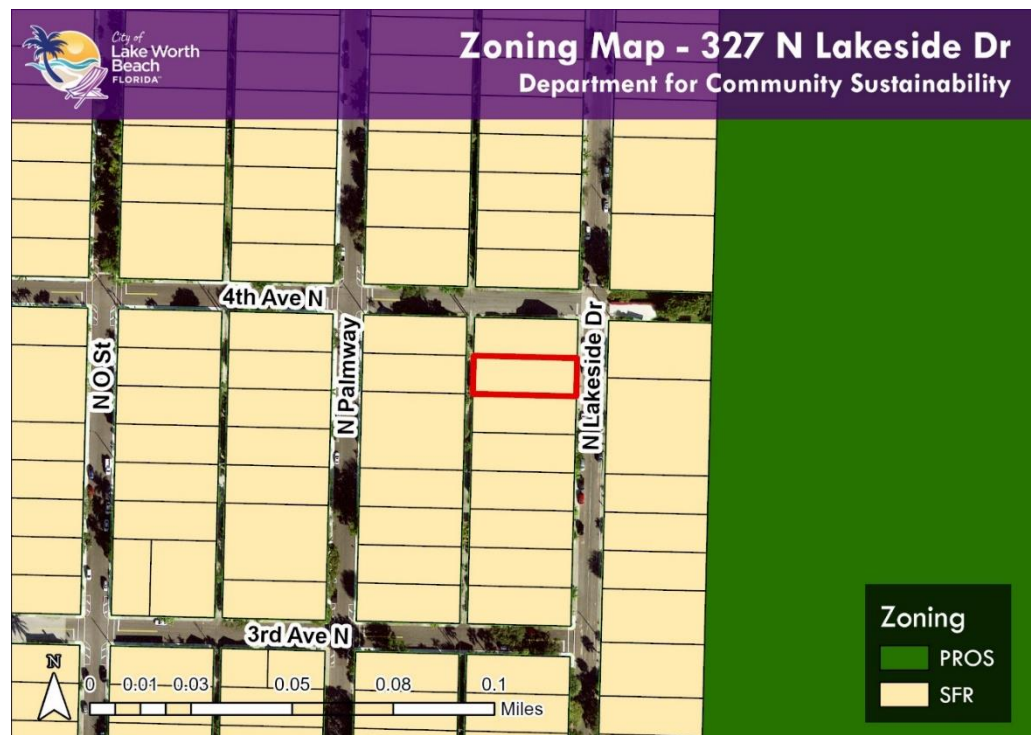
The site is surrounded by similar structures with similar Zoning and FLU designations, and thus, are found to be compatible with the existing and proposed residential use on the subject site. The following summarizes the nature of the surrounding properties adjacent to the subject site:

NORTH: Immediately north of the subject site is 329 North Lakeside Drive, a single-family residence. This area contains a FLU designation of SFR and a Zoning designation of SF-R. The structure at 329 N Lakeside Drive is also a contributing resource to the Old Lucerne Local Historic District.

SOUTH: Immediately south of the subject site is 321 North Lakeside Drive, a single-family residence. This area contains a FLU designation of SFR and a Zoning designation of SF-R. The structure at 321 N Lakeside Drive is also a contributing resource to the Old Lucerne Local Historic District.

EAST: East of the subject site across North Lakeside Drive is 328 North Lakeside Drive, a single-family residence. This area contains a FLU designation of SFR and a Zoning designation of SF-R. The structure at 328 N Lakeside Drive is a non-contributing resource within the Old Lucerne Local Historic District.

WEST: West of the subject site across the rear alley is 326 North Palmway, a single-family residence. This area contains a FLU designation of SFR and a Zoning designation of SF-R. The structure at 326 N Palmway is also a contributing resource to the Old Lucerne Local Historic District.



LAND DEVELOPMENT CODE REQUIREMENTS

Land Development Code Requirements		
Code References	23.3-7 (SF-R); Florida Building Code	
	Required	Proposed
Lot Area	5,000 square feet	6,750 square feet
Lot Width	50'-0"	50'-0"
Building Height	30'-0" (2 stories)	27.66' (2 stories)
Setback - Front	20'-0"	20'-0"
Setback - Side	North: 5'-0" (10% of lot width) South: 5'-0" (10% of lot width)	North: 9.5' South: 4.5'
Setback - Rear	13'-6" (10% of lot depth)	71'-0"
Impermeable Surface Total ⁽¹⁾	55.0% total	50.7%
Maximum Building Coverage⁽¹⁾	35.0% maximum	36.1%
Floor Area Ratio⁽¹⁾	0.50 maximum	0.53
Base Flood Elevation	9'-0" NAVD (Zone AE) (BFE 8'-0" + 12" Freeboard)	7.7' NAVD

(1)- Medium lot (lots 5,000 square feet to 7,499 square feet)

The Applicant is requesting approval for the construction of a new ± 109 square foot two-story addition to the south façade of the existing residence. The proposed architectural plans for this addition are located in this report as **Attachment C**. As evident in the site data table featured above, the proposal is in conflict with the south side setback limitation, maximum building coverage limitation, and floor area ratio limitation set within Section 23.3-7 of the Lake Worth Beach Land Development Regulations. The Applicant has requested relief from these code limitations by applying for three individual Historic Waivers. The Historic Waiver request is discussed in the Historic Preservation Analysis.

The proposal does not comply with the Base Flood Elevation requirements established within the Florida Building Code. The Applicant has applied for a Variance from the Base Flood Elevation requirements of the Florida Building Code per Sec. 23.7-7 of the Lake Worth Beach Land Development Regulations. The variance request is discussed in the analysis below.

Variance from Base Flood Elevation from the Florida Building Code

The Applicant is requesting a variance from Florida Building Code 1201.3, Flood Hazard Areas:

In flood hazard areas, if all proposed work, including repairs, work required because of a change of occupancy, and alterations, constitutes substantial improvement, then the building shall comply with Section 1612 of the Florida Building Code, Building, or Section R322 of the Florida Building Code, Residential, as applicable.

Exception: If the program that designated the building as historic determines that it will continue to be an historic building after the proposed work is completed, then the proposed work is not considered to be substantial improvement. For the purposes of this exception, an historic building is:

- 1. Individually listed in the National Register of Historic Places; or*
- 2. A contributing resource within a National Register of Historic Places listed district; or*
- 3. Designated as historic property under an official municipal, county, special district or state designation, law, ordinance or resolution either individually or as a contributing property in a district, provided the local program making the designation is approved by the Department of the Interior (the Florida state historic preservation officer maintains a list of approved local programs); or*
- 4. Determined eligible by the Florida State Historic Preservation Officer for listing in the National Register of Historic Places, either individually or as a contributing property in a district.*

The Applicant is proposing a residential addition that will match the finish floor elevation of the existing historic structure (7.7' NGVD). The existing Federal Emergency Management Agency (FEMA) Flood Map indicates the property is located in Zone AE, which requires an 8'-0" elevation for finished floors. The Florida Building Code also requires finished floors to be constructed an additional 12" above the base flood elevation. Therefore, the required elevation for the addition is 9'-0" NAVD, which 15.6" above the existing finished floor elevation.

Because the subject property is a contributing resource to the Old Lucerne Local Historic District, which was designated by municipal ordinance, the proposed addition is eligible for an exception from the Florida Building Code to allow substantial improvements and/or alterations that do not meet the current flood resistant construction requirements. Although this proposal meets the criteria for an exemption within the Florida Building Code, the City of Lake Worth Beach Land Development Regulations require that applicants seeking to utilize this exemption apply for a formal variance from the Historic Resources Preservation Board.

Pursuant to City of Lake Worth Beach LDR Section 23.7-7, Variances and Appeals:

- d) Historic buildings. A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 11 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.*

Staff Analysis: As a contributing resource to the Old Lucerne Local Historic District, the property located at 327 N Lakeside Drive is eligible for the exception to the flood resistant construction requirements of the Florida Building Code. It is Staff's analysis that the proposed addition will not preclude the continuation of the structure's contributing designation, as the addition's massing, height, design, fenestration, and use of building materials is compatible with the existing historic resource. For a more in-depth compatibility analysis, refer to the Historic Preservation Analysis.

Pursuant to City of Lake Worth Beach LDR Section 23.7-7(g)(2), variances to flood resistant construction requirements have their own specific variance criteria. Provided below are the variance criteria and Staff's responses. The Applicant has also provided responses to this criterion, provided in this report as **Attachment D**.

Variance criteria per LDR Section 23.7-7(g)(2):

- A. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;

Staff Analysis: Staff contends that complying with the strict interpretation of the Florida Building Code could result in a disruption to the structure's historic appearance. Raising the finish floor elevation of the addition an additional 1.5' would elevate the new secondary porch floor and side entry door locations. These features are in visual proximity to the front porch and entryway. This height discrepancy could give unwanted visual prominence to the addition and result in a visually unbalanced facade.

- B. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and

Staff Analysis: It is Staff's analysis that an addition built below the required base flood elevation will not increase flood heights, cause additional threats to public safety, public expense, or create a nuisance.

- C. The variance is the minimum necessary, considering the flood hazard, to afford relief;

Staff Analysis: The variance is the minimum necessary to allow the addition to maintain the same finish floor elevation and exterior appearance as the existing structure. The proposed design allows the property to retain its contributing designation as it is generally in compliance with design and material guidelines found within the City's Historic Preservation Ordinance, the Lake Worth Beach Historic Preservation Design Guidelines, and the Secretary of Interior Standards for Rehabilitation.

HISTORIC PRESERVATION ANALYSIS

Certificate of Appropriateness

All additions and exterior alterations to structures within a designated historic district are subject to visual compatibility criteria. Staff has reviewed the documentation and materials provided in this application and outlined the applicable guidelines and standards found in the City's Historic Preservation Ordinance, detailed in the section below.

Section 23.5-4(K)(1) *General guidelines for granting certificates of appropriateness*

1. *In general.* In approving or denying applications for certificates of appropriateness, the city shall, at a minimum, consider the following general guidelines:

- A. What is the effect of the proposed work on the landmark or the property upon which such work is to be done?

Staff Analysis: The proposed work will construct a ± 109 square foot two-story addition to the south façade of the structure. The application also includes replacement of the existing non-original front door.

- B. What is the relationship between such work and other structures on the landmark site or other property in the historic district?

Staff Analysis: The proposed addition will have a primary visual effect to the side (south) and front (east) elevations of the existing contributing resource. The addition will have an indirect visual effect on the surrounding properties within the district. It is Staff's analysis the proposal will not adversely affect the existing contributing resource or neighboring structures within the district.

- C. To what extent will the historic, architectural, or archaeological significance, architectural style, design, arrangement, texture, materials and color of the landmark or the property be affected?

Staff Analysis: The proposed addition utilizes common window sizes and building materials that are compatible with the existing structure. The massing, design, and arrangement of the addition are secondary and subordinate to the primary massing of the existing historic residence.

- D. Would denial of a certificate of appropriateness deprive the property owner of reasonable beneficial use of his property?

Staff Analysis: No, denial of the COA would not deprive the applicant of reasonable use of his property.

- E. Are the applicant's plans technically feasible and capable of being carried out within a reasonable time?

Staff Analysis: The addition's plans are feasible and could be carried out in a reasonable timeframe.

- F. Are the plans (i) consistent with the city's design guidelines, once adopted, or (ii) in the event the design guidelines are not adopted or do not address the relevant issue, consistent as reasonably possible with the applicable portions of the United States Secretary of the Interior's Standards for Rehabilitation then in effect?

Staff Analysis: The proposed addition is generally in compliance with the City of Lake Worth Beach Design Guidelines. The design is set back from the front façade, utilizes appropriate massing and materials, and is visually secondary and subordinate to the historic resource.

- G. What are the effects of the requested change on those elements or features of the structure which served as the basis for its designation and will the requested changes cause the least possible adverse effect on those elements or features?

Staff Analysis: The Applicant is not seeking to remove significant character-defining features or alter the architectural styling of the structure. The addition is designed in a visually compatible manner which is appropriate for the existing structure.

Section 23.5-4(K)(2) *Additional guidelines for alterations and additions.*

2. In approving or denying applications for certificates of appropriateness for alterations and additions, the city shall also consider the following additional guidelines: *Landmark and contributing structures*:

- A. Is every reasonable effort being made to provide a compatible use for a property that requires minimal alteration of the building, structure or site and its environment, or to use the property for its originally intended purpose?

Staff Analysis: The proposed use of the structure as a single-family residence will not change. The Applicant is proposing to add a two-story addition to the south façade to accommodate two new bathrooms for better utilization of the property.

- B. Are the distinguishing original qualities or character of a building, structure or site and its environment being destroyed? The removal or alteration of any historic material or distinctive architectural features shall be avoided whenever possible.

Staff Analysis: The immediate location where the addition connects to the existing structure will result in the loss of two window openings and one door opening. The Applicant is also proposing to replace the existing front door, which is not original to the property.

- C. Is the change visually compatible with the neighboring properties as viewed from a primary or secondary public street?

Staff Analysis: It is Staff's analysis that the massing, design, and material choices for the addition are visually compatible with the neighboring properties as viewed from North Lakeside Drive.

- D. When a certificate of appropriateness is requested to replace windows or doors the HRPB or development review officer, as appropriate, may permit the property owner's original design

when the city's alternative design would result in an increase in cost of twenty-five (25) percent above the owner's original cost. The owner shall be required to demonstrate to the city that:

- (1) The work to be performed will conform to the original door and window openings of the structure; and

Staff Analysis: The proposed window and door sizes for the new addition are appropriately sized. The Applicant is also requesting to replace the existing non-original front door with a new door of the same size.

- (2) That the replacement windows or doors with less expensive materials will achieve a savings in excess of twenty-five (25) percent over historically compatible materials otherwise required by these LDRs. This factor may be demonstrated by submission of a written cost estimate by the proposed provider of materials which must be verified by city staff; and

Staff Analysis: Not applicable, the Applicant did not request to replace the windows and doors with less expensive materials.

- (3) That the replacement windows and doors match the old in design, color, texture and, where possible, materials where the property is significant for its architectural design or construction.

Staff Analysis: The Applicant's proposed windows are compatible with the scale of the addition and the existing historic resource. Staff has added conditions of approval for the windows to further ensure visual compatibility. Staff has remaining concerns regarding the decorative leaded glass replacement front door and the side entry door for the addition. Staff's recommendations for compatible entry doors for this style of structure is located in the Historic Preservation Design Guidelines Analysis below.

- (4) If the applicant avails himself of this paragraph the materials used must appear to be as historically accurate as possible and in keeping with the architectural style of the structure.

Staff Analysis: A door that is in keeping with the architectural style of the structure would be unlikely to cost 25% more than the Applicant's proposed doors. Staff defers to Applicant.

Historic Preservation Design Guidelines Analysis

The City's Historic Preservation Design Guidelines lists specific recommendations for granting Certificates of Appropriateness for additions to historic buildings. Generally, new additions should be constructed so that existing character-defining features are not removed or destroyed. Additions should also have scale and massing that is subordinate or proportionate to the existing historic structure, and they should be

located to the rear or on an inconspicuous side of the building. It is not recommended to construct additions that drastically alter the historic appearance of a building or additions that overshadow or surpass the building in massing, scale, or location. A section on general considerations for additions to historic structures in the LWB Historic Preservation Design Guidelines is included in this report as **Attachment E**.

Staff Analysis: The proposed addition is set back 15'-9" from the front façade of the existing structure and measures 5'-5" wide. The increased front setback and relatively narrow width results in an addition that is secondary and subordinate to the historic resource when viewed from N Lakeside Drive. The addition is appropriately located to the side of the structure, and its construction will not result in the loss of significant character-defining features. The addition is designed with an appropriate fenestration pattern which utilizes doors and windows at regular intervals, generally avoiding great expanses of blank façade. The addition also features a small covered side entry porch, which are relatively common amongst similarly designed structures in the surrounding district.

Materially, the addition utilizes stucco exterior walls and a simulated barrel concrete roof tiles to match the design features of the existing historic structure. Staff does have remaining concerns regarding the proposed door for the addition and the proposed replacement front door. The Applicant has selected fiberglass raised panel doors with decorative leaded glass inserts. Due to the existing building materials, documentation within the City's property file, and similarly styled structures within the districts that retain their original entry doors, Staff recommends that the Applicant utilize a style of entry door found in the Frame Vernacular or Bungalow sections of the City's Historic Preservation Design Guidelines. These doors include 10 or 15-light French doors, a four or six-light door with recessed bottom panels, or craftsman style "Bungalow" doors with varying light sizes and panel configurations. The proposed doors use highly ornate leaded glass inserts that were not utilized on simple residential structures in the South Florida when this building was erected, or when the building received substantial alterations in the 1940s. The Applicants proposed doors are included in this report as **Attachment F**. Segments on replacement doors for the Frame Vernacular and Bungalow architectural styles from the City's Historic Preservation Design Guidelines are included as **Attachment G**.

Historic Waivers from Sec. 23.3-7(SF-R); Side Setback, Building Lot Coverage, and Floor Area Ratio

As illustrated in the Land Development Code Requirements analysis, the proposed addition will increase the property's building lot coverage and floor area ratio over the allowable Code limitations. The placement of the addition will also encroach into the south side setback. See table below for Code allowances, proposed overages and encroachments, and waiver amounts.

Land Development Code Requirements			
Code References	23.3-7 (SF-R)		
	Required	Proposed	Waiver Relief Requested
Setback - Side	South: 5'-0" (10% of lot width)	South: 4'-6"	0'-6" encroachment
Maximum Building Coverage ⁽¹⁾	35.0% maximum	36.1%	1.1% overage

Floor Area Ratio⁽¹⁾	0.50 maximum	0.53	0.03 overage
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(1)- Medium lot (lots 5,000 square feet to 7,499 square feet)

Per City of Lake Worth Beach LDR Sec. 23.5-4(r) *Incentives for improvements to designated landmark and contributing properties:*

2. *Waiver or modification of certain land development regulations. In addition, the HRPB may waive or modify certain land development regulation requirements. Waiver or modification may occur concurrently with issuance of a certificate of appropriateness or upon initial designation of a landmark or of a historic district. Waivers may include setbacks, lot width, area requirements, height limitations, open space requirements, vehicular parking and circulation requirements, design compatibility requirements and similar development regulations. No waiver shall be permitted for permitted land uses, density or environmental and health standards.*

Pursuant to City of Lake Worth Beach LDR Sec. 23.5-4(r)(2), the HRPB may grant historic waivers if the request meets the criterion listed in the section below. Staff has listed each criterion and provided responses for each historic waiver request; side setback, building lot coverage, and floor area ratio. Due to the buildings contributing status to the Old Lucerne Local Historic District, the application is eligible for relief from the land development requirements of Sec. 23.3-7, should the Board determine that the criterion is sufficiently met. The Applicant has provided a Justification Statement for the requests and has provided responses for each request. The Applicant’s statements are included in this report as **Attachment H**.

In accordance with City of Lake Worth Beach LDR Sec. 23.5-4(r)(2), Before granting a waiver or modification, the HRPB must find that:

- (A) The waiver or modification is in harmony with the general appearance and character of the neighborhood or district.

Staff Analysis:

- Side Setback: Due to the historic nature of the parcel’s development overtime, there is currently a rear accessory structure that directly abuts the south property line. The proposed addition would encroach six inches (6”) into the current side setback, but would not exceed the existing setback of the rear structure. Inconsistencies with current setback requirements are common in the surrounding historic district.
- Building Coverage: The parcel was primarily developed between 1912 to 1947, prior to lot coverage limitations. Parcels with historic structures that exceed current building coverage limitations are common in the surrounding historic district.
- Floor Area Ratio: Staff contends that while FAR overages do exist, they are relatively uncommon for most areas within the City’s historic districts. The general character and appearance of the Old Lucerne Historic District is primarily that of small single-story residential structures that are below today’s allowable FAR. With that considered, there are

at least seven (7) other large two-story single-family residential structures on the 300 block of N Lakeside Drive which have higher than average FARs.

- (B) The project is designed and arranged in a manner that minimizes aural and visual impact on adjacent properties while affording the owner reasonable use of the land.

Staff Analysis:

- Side Setback: The proposed six-inch (6") encroachment into the side setback would likely not result in a substantial aural or visual impact on adjacent properties.
- Building Coverage: The proposed 1.1% overage on building coverage would likely not have a substantial aural or visual impact on adjacent properties.
- Floor Area Ratio: The proposed .03 overage on FAR would likely not have a substantial aural or visual impact on adjacent properties.

- (C) The waiver or modification will not injure the area or otherwise be detrimental to the public health, safety or welfare.

Staff Analysis:

- Side Setback: A six-inch (6") encroachment into the side setback would likely not be detrimental to public health, safety, or welfare.
- Building Coverage: A 1.1% overage on building coverage would likely not be detrimental to public health, safety, or welfare.
- Floor Area Ratio: A .03 overage on FAR would likely not be detrimental to public health, safety, or welfare.

- (D) The waiver or modification is the minimum necessary to allow reasonable use of the property while preserving its historical attributes.

Staff Analysis:

- Side Setback: The Applicant contends in the Justification Statement that the property is functionally obsolete due to the limited number of bathrooms. The Applicant could propose an addition that is not located within the setback or rearrange existing square footage to accommodate new bath facilities, but the proposed design of the addition is architecturally compatible and preserves the building's historical attributes.
- Building Coverage: The Applicant would likely need a waiver from building coverage limitations for any new additions to the property as the parcel has been extensively developed.
- Floor Area Ratio: The Applicant would likely need a waiver from floor area ratio limitations for any new additions to the property as the parcel has been extensively developed.

PUBLIC COMMENT

At the time of publication of the agenda, Staff has received no public comment.

CONCLUSION

The proposed addition is designed in a historically compatible manner which generally compliments the existing structure and adheres to the recommendations provided within the City's Historic Preservation

Design Guidelines as conditioned. Staff recommends approval with conditions for the request for a Certificate of Appropriateness for the addition and exterior alterations to the contributing resource.

Staff also recommends approval with conditions for the Variance from Base Flood Elevation requirements from the Florida Building Code. As a contributing resource to the Old Lucerne Local Historic District, the structure meets the eligibility requirements for the variance application. It is Staff's analysis that the design of the addition, utilizing the variance, would not preclude the continuation of the structure's contributing designation.

As a contributing resource to the Old Lucerne Local Historic District, the structure also meets the eligibility requirements for Historic Waivers for side setbacks, building coverage, and floor area ratio. Staff recommends that the Board review the waiver criteria, Staff analysis, and Applicant responses to determine if the criterion for relief have been sufficiently met.

Conditions of Approval:

Certificate of Appropriateness

COA#20-0010089

1. The windows and doors shall be wood, wood-clad, aluminum, or fiberglass, subject to Staff review at permitting.
2. The windows shall be recessed in the walls of the addition to the same depth as they are on the existing historic structure and shall utilize a historically compatible sill detail.
3. The windows shall have a 3/1 divided light pattern utilizing exterior raised applied triangular muntins. Exterior flat muntins or "grills between the glass" shall not be used.
4. The window glass shall be clear or may utilize a clear Low-E application. Tinted, grey, mirrored, or colored glass shall not be used.
5. The stucco application shall match the existing stucco in texture, coarseness, and application. The Applicant shall be responsible for contacting Historic Preservation staff to review a sample stucco application prior to stuccoing the addition.
6. The doors may utilize clear glass, frosted glass, obscure glass, or glass with a clear Low-E coating. Tinted, highly reflective, grey, colored, etched, or leaded glass shall not be used, subject to staff review at permitting. Staff recommends doors compatible with the Frame Vernacular or Bungalow sections provided in the Lake Worth Beach Historic Preservation Design Guidelines.
7. The porch column shall measure a minimum 6"x6" and shall utilize a simple base and capital detail. The column shall be made of wood or shall utilize a wood-look material, subject to Staff review at permitting.
8. The roof tiles shall be white to match the existing tiles and the installation shall blend seamlessly with the existing roof.
9. The addition's overhang, soffit, and fascia shall match the existing structure in design, dimension, and arrangement.

Variance from Florida Building Code (Base Flood Elevation)

HRPB#20-01500001

1. The variance from base flood elevation shall be project specific, and shall only apply to the scope of work approved under this application. Any future additions, alterations, or substantial improvements that may trigger additional FEMA floodplain management requirements, as determined by the City's Floodplain Administrator, shall be reviewed under a separate application.
2. The variance shall be recorded in the office of the Palm Beach County Clerk of the Court so that it appears in the chain of title for the affected parcel of land.

Historic Waiver (Side Setback)

HRPB#20-01600001

1. The Historic Waiver to allow for a six-inch (6") encroachment into the south side setback shall be project specific, and shall only apply to the scope of work approved under this application. Should any structures on the parcel be destroyed, moved, or demolished, any future development for the parcel shall adhere to the current City of Lake Worth Beach Land Development Regulations.

Historic Waiver (Building Coverage)

HRPB#20-01600002

1. The Historic Waiver to allow for a 36.1% maximum Building Coverage for this property shall be project specific, and shall only apply to the scope of work approved under this application. Should any structures on the parcel be destroyed, moved, or demolished, any future development for the parcel shall adhere to the current City of Lake Worth Beach Land Development Regulations.

Historic Waiver (Floor Area Ratio)

HRPB#20-01600003

1. The Historic Waiver to allow for a .53 Floor Area Ratio for this property shall be project specific, and shall only apply to the scope of work approved under this application. Should any structures on the parcel be destroyed, moved, or demolished, any future development for the parcel shall adhere to the current City of Lake Worth Beach Land Development Regulations.

POTENTIAL MOTION

I MOVE TO **APPROVE** HRPB Project Number(s) 20-001000089; 20-01500001; 20-01600001; 20-01600002; and 20-01600003, with staff recommended conditions for a Certificate of Appropriateness for a ± 109 square foot addition, a Variance from base flood elevation requirements of the Florida Building Code, and three Historic Waivers for the minimum required side setback, maximum building lot coverage, and floor area ratio limitations for the property located at **327 North Lakeside Drive**, 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.

I MOVE TO **DENY** HRPB Project Number(s) 20-001000089; 20-01500001; 20-01600001; 20-01600002; and 20-01600003, with staff recommended conditions for a Certificate of Appropriateness for a ± 109 square foot addition, a Variance from base flood elevation requirements of the Florida Building Code, and three Historic Waivers for the minimum required side setback, maximum building lot coverage, and floor area

ratio limitations for the property located at **327 North Lakeside Drive**, because the Applicant has not established by competent substantial evidence that the application is in compliance with the City of Lake Worth Beach Land Development Regulation and Historic Preservation requirements.

ATTACHMENTS

- A. Property File Documentation
- B. Current Photos
- C. Proposed Architectural Plans
- D. Applicant's Variance Justification Statement
- E. LWB HP Design Guidelines Section – Additions to Historic Buildings
- F. Applicant's Proposed Doors
- G. LWB HP Design Guidelines Section(s) – Frame Vernacular & Bungalow Doors
- H. Applicant's Historic Waiver Justification Statement



MEMORANDUM DATE: June 3, 2020

AGENDA DATE: June 10, 2020

TO: Chair and Members of the Historic Resources Preservation Board

RE: **731 North J Street**

FROM: Jordan Hodges, Senior Preservation Coordinator
Abraham Fogel, Preservation Planner
Department for Community Sustainability

TITLE: **HRPB Project Number 20-00100052:** An Appeal of the Development Review Official's decision regarding the expansion of a legal non-conforming garage apartment at **731 North J Street**, pursuant but not limited to Sections 23.2-7, 23.3-8, and Section 23.5-4 of the Land Development Regulations. The subject property is located in the Single-Family Two-Family Residential (SF-TF 14) Zoning District, retains a Future Land Use (FLU) designation of Medium Density Residential (MDR), and is a contributing resource to the Northeast Lucerne Local Historic District.

Owner:	Michael Coyle 731 North K Street LLC 317 North M Street Lake Worth Beach, FL 33460	Applicant:	Wes Blackman, AICP CWB Associates 241 Columbia Drive Lake Worth Beach, FL 33460
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PROPERTY DEVELOPMENT HISTORY

The subject property is a contributing resource to the Northeast Lucerne Local Historic District. The east building (two-family structure) was constructed c. 1953 in a Mid-Century Modern architectural style. The structure is located on the southeast corner of North J Street and 8th Avenue North. Prominent Lake Worth Beach architect Edgar Wortman designed the structure at a cost of \$11,500. The architectural drawings illustrate a single-story two-family structure of masonry construction with a smooth stucco exterior finish, and a combination shed and flat roof system with a projecting eyebrow. Character-defining features of the building include a flat slump brick on the front façade, a wood trellis beneath the shed roof, awning windows, and jalousie doors. The west building (garage apartment) was constructed c. 1955 in a Mid-Century architectural style. The structure has frontage on 8th Avenue North and an alley. Prominent Florida architect Arthur L. Weeks designed the structure at a cost of \$4,700. The architectural drawings illustrate a single-story garage apartment structure with a smooth stucco exterior finish and a flat roof with a projecting eyebrow. Character-defining features of the building include, jalousie windows and doors, and overhead flush panel garage doors. The original architectural drawings for both structures are included in this report as **Attachment B**.

PROJECT DESCRIPTION

The Applicant, Wes Blackman, on behalf of 731 North K Street, LLC is appealing a decision by the City's Development Review Official (DRO) denying the request to expand the legal non-conforming garage apartment into the existing structure's garage space.

- According to the subject property's Warranty Deed, 731 North K Street LLC purchased the property located at 731 North J Street on September 16, 2019.
- The Applicant applied for a Zoning Verification Letter (ZONL #19-01700053) on October 25, 2019. As indicated on the Zoning Confirmation Letter, the existing three (3) units are considered existing legal nonconformities and are grandfathered subject to the regulations in LDR Section 23.5-3, *Nonconformities*. The Zoning Verification Letter is included in **Attachment A**.
- On January 7, 2020, the Applicant submitted a proposal (COA#20-00100007) to expand the \pm 325 square foot garage apartment into the \pm 464 square feet of existing garage space. The proposed site plan is included as **Attachment D**.
- In response, a Zoning Determination by the DRO was issued on January 17, 2020, indicating the existing three (3) legal nonconforming units may not be extended to any portion of a building or structure not previously put to such use as expressly prohibited in Section 23.5-3, *Nonconformities*. The Zoning Determination Letter is included in **Attachment A**.
- On February 4, 2020, the Applicant submitted a notice of appeal to the DRO's written decision.
- On February 17, 2020, the Applicant submitted the basis of appeal, included as **Attachment A**.

Location Map



STAFF RECOMMENDATION

The DRO denied the request to expand the legal non-conforming garage apartment into the garage space. Staff recommends that the Board interpret LDR Section 23.5-3(e)(2) in manner consistent with the DRO's decision based on the zoning analysis in the following section.

ZONING ANALYSIS

The subject property is located in the Single-Family Two-Family Residential (SF-TF 14) Zoning District. The maximum density allowed under the current Land Development Regulations in the SF-TF-14 Zoning District, for a 50' x 135' parcel (6,750 sqft), is two (2) units. The existing three (3) units are considered existing legal non-conformities and are grandfathered subject to the regulations in LDR Section 23.5-3, *Nonconformities*:

(e) Nonconforming uses of building and structures. A nonconforming use of a major building or structure is an activity primarily occurring within such building or structure, but which may also include the use of surrounding premises including land or nearby minor buildings. Such activity shall have been lawfully permitted at the time of its inception. The decision of the development review officer as to whether a nonconforming use is a nonconforming use of land or a nonconforming use of a building or structure, as each is described in this section, shall be final unless reversed by the planning and zoning board or historic resources preservation board, as applicable. Such nonconforming use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. *No existing building or structure devoted to a use not permitted by these LDRs may be extended, enlarged, reconstructed, moved, or structurally altered except as necessary to change the use of the building or structure to a use permitted by these LDRs or except to change the building or structure to a conforming building or structure.*
2. ***No nonconforming use of a structure may be extended to any portion of a building or structure not previously put to such use prior to the adoption of the regulation giving rise to the nonconformity. Further, such use shall not be extended to occupy any land outside such building or structure.***
3. *In the event a nonconforming use of a building or structure is discontinued for any period however brief and replaced by a permitted use, the nonconforming use shall not be resumed.*
4. *When a nonconforming use of a structure or building ceases for six (6) consecutive months, or for eighteen (18) months during any three-year period, and is not replaced by a permitted use, the structure or building shall not thereafter be used except in conformance with the regulations of the district in which it is located. The issuance or existence of a required license, permit or other governmental authorization to conduct such nonconforming use shall not mean that the use has not ceased, but the lack of such license, permit or authority shall create a rebuttable presumption that the use has ceased. Actions or activities of the owner of a property attempting to lease or rent the property shall not be considered a use of the property in determining whether a nonconforming use of a structure or building has ceased.*
5. *Where nonconforming use status applies to a building or structure, removal or destruction of the building or structure shall eliminate the nonconforming use, including any and all related activities on the surrounding premises including land or nearby minor buildings. Destruction for*

the purpose of this section is defined as damage to an extent of more than fifty (50) percent of the current replacement value of the building or structure, as determined by the building official.

The existing three (3) legal non-conforming units may not be extended to any portion of a building or structure not previously put to such use prior to the adoption of the regulation giving rise to the nonconformity. The proposal to expand the approximately 325 square foot garage apartment into the approximately 464 square feet of garage space is in violation of LDR Section 23.5-3(e)(2).

HISTORIC RESOURCES PRESERVATION BOARD (HRPB) AUTHORITY

Pursuant to LDR Section 23.2-17, *Appeals*:

- a) *To planning and zoning board and historic resources preservation board. An applicant may appeal a final decision of the development review official to the planning and zoning board or the historic resources preservation board, as applicable, within thirty (30) days of the official's written decision.* The appeal shall be in writing on a form provided by city staff and accompanied by the applicable fee and filed with the development review official. The appeal shall be heard at a quasi-judicial hearing and be based on the record made in the proceeding below.

As indicated LDR Section 23.2-17(a), the Historic Resources Preservation Board (HRPB) has the authority to review appeals of a final decision of the DRO.

PUBLIC COMMENT

At the time of publication of the agenda, Staff has received no public comment.

CONCLUSION

As Section 23.5-3, *Nonconformities* of the City's LDRs expressly states that "No nonconforming use of a structure may be extended to any portion of a building or structure not previously put to such use" and based on the data and analysis in this report, staff recommends that the Board interpret LDR Section 23.5-3(e)(2) in manner consistent with the DRO's decision.

POTENTIAL MOTION

I MOVE TO **APPROVE** HRPB Project Number 20-00100052: An Appeal of the Development Review Official decision, interpreting the City's Land Development Regulations to allow the expansion of the legal non-conforming garage apartment. The project will require subsequent Board review if exterior alterations are proposed.

I MOVE TO **DENY** HRPB Project Number 20-00100052: An Appeal of the Development Review Official decision, interpreting the City's Land Development Regulations to disallow expansion of the legal non-conforming garage apartment.

ATTACHMENTS

- A. Applicant Basis of Appeal
- B. Property File Documentation
- C. Property Survey
- D. COA#20-00100007 Application Plan Set
- E. Current Photos



MEMORANDUM DATE: June 3, 2020

AGENDA DATE: June 10, 2020 and June 17, 2020

TO: Chair and Members of the Historic Resources Preservation Board and Planning and Zoning Board

RE: **10-Year Water Supply Facilities Work Plan**

FROM: Brian Shields, Water Utilities Director
Julie Parham, Assistant Water Utilities Director

TITLE: **PZB/HRPB 20-00400002:** Consideration to recommend to the City Commission to transmit to the State of the Florida the City's 2020 10-Year Water Supply Facilities Work Plan for review including the adoption of related amendments to the Comprehensive Plan.

BACKGROUND:

The City of Lake Worth Beach's Comprehensive Plan was last adopted October 20, 2009, with an amendment approved October 19, 2017. At that time, a 10-Year Water Supply Facilities Work Plan ("Water Supply Plan") was adopted to coordinate with South Florida Water Management District's (SFWMD) Lower East Coast (LEC) Water Supply Plan. The City's Water Supply Plan is required to be updated every five (5) years to coordinate with 5-year updates to the LEC.

Section 373.709, Florida Statutes, Section 163.3177(6)(c)3, Florida Statutes, further requires that the Water Supply Plan be updated within 18 months after a water management district's governing board approves an updated regional water supply plan to reflect applicable changes.

The SFWMD governing board adopted updates to the LEC Water Supply Plan in November 2018. Pursuant to the aforementioned statute, the City has to revise the overall planning strategies and projection data of its Comprehensive Plan by May 2020.

The attached 2020 10-Year Water Supply Facilities Work Plan is presented at this time in order meet this requirement. The amendments associated with the Goals, Objectives and Policies recommended for adoption in the City's Comprehensive Plan are provided in attachment B of this report.

The decision of the Boards will be a recommendation to the City Commission, which will subsequently make the final decision to transmit the 2020 10-Year Water Supply Facilities Work Plan to the State of Florida for review including the adoption of related amendments to the Comprehensive Plan.

POTENTIAL MOTION:

I MOVE TO **RECOMMEND/NOT RECOMMEND** PZB/HRPB PR No. **20-00400002** to the City Commission to transmit to the State of the Florida the 2020 10-Year Water Supply Facilities Work Plan for review including the adoption of related amendments to the Comprehensive Plan..

ATTACHMENTS:

- A. 2020 10-Year Water Supply Facilities Work Plan
- B. Comprehensive Plan Amendment – Goals, Objectives and Policies
- C. Ordinance 2020-09