



**TOWN OF LAKE PARK
PLANNING & ZONING BOARD
MEETING MINUTES
MAY 5, 2014**

CALL TO ORDER

The Planning & Zoning Board Workshop Meeting was called to order by Chair Judith Thomas at 7:30 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Chair Judith Thomas	Present
Michele Dubois	Present
Martin Schneider	Present
Erich Von Unruh	Present
Ludie Francois, Alternate	Present

Also in attendance were Thomas Baird, Town Attorney; Nadia Di Tommaso, Community Development Director; Debbie Abraham, Town Planner, and Kimberly Rowley, Recording Secretary.

APPOINTMENT OF VICE-CHAIR

Chair Thomas asked for nominations for the appointment of a Vice-Chair for the upcoming year. Board Member Schneider nominated Erich Von Unruh. There were no other nominations. The nomination was seconded by Board Member Dubois and the vote was as follows:

	Aye	Nay
Judith Thomas	X	
Michele Dubois	X	
Martin Schneider	X	
Erich Von Unruh	X	
Ludie Francois	X	

The Motion carried 5-0 and Erich Von Unruh was elected to serve as Vice-Chair of the Planning & Zoning Board for the upcoming year.

APPROVAL OF AGENDA

Chair Thomas requested a motion for the approval of the Agenda as submitted. Board Member Schneider made a motion for approval of the Agenda, and the motion was seconded by Board Member Von Unruh. The vote was as follows:

	Aye	Nay
Judith Thomas	X	
Michele Dubois	X	
Martin Schneider	X	
Erich Von Unruh	X	
Ludie Francois	X	

The Motion carried 5-0 and the Agenda was unanimously approved as submitted.

APPROVAL OF MINUTES

Chair Thomas requested a motion for the approval of the February 3, 2014, Planning & Zoning Board Workshop Meeting Minutes as submitted. Board Member Von Unruh made a motion to approve, and the motion was seconded by Board Member Schneider. The vote was as follows:

	Aye	Nay
Judith Thomas	X	
Michele Dubois	X	
Martin Schneider	X	
Erich Von Unruh	X	
Ludie Francois	X	

The Motion carried 5-0, and the Minutes of the February 3, 2014, Planning & Zoning Board Workshop Meeting were unanimously approved as submitted.

PUBLIC COMMENTS

Chair Thomas explained the Public Comment procedure.

ORDER OF BUSINESS

Chair Thomas outlined the Order of Business.

NEW BUSINESS

- A. AN APPLICATION FOR FOUR (4) PARK AVENUE DOWNTOWN DISTRICT (P.A.D.D) WAIVERS TO THE PARKING SPACE REGULATIONS, APPLIED FOR BY FRED VECCHIONE OF VECCHIONE CONSTRUCTION, ACTING AS THE AGENT FOR SUE-ELLEN MOSLER GABLE TRUST (OWNER) FOR THE PROPERTIES LOCATED AT 700 AND 748 PARK AVENUE.**

Since the Agent for the Applicant was not present, Chair Thomas requested a motion to re-order the New Business Agenda Items. Board Member Schneider made the motion, and the motion was seconded by Board Member Dubois. The vote was as follows:

	Aye	Nay
Judith Thomas	X	
Michele Dubois	X	
Martin Schneider	X	
Erich Von Unruh	X	
Ludie Francois	X	

The Motion carried 5-0 and the New Business Agenda Items were re-ordered.

B. RE-ZONING OF EIGHT (8) PARCELS ON THE WEST SIDE OF 10TH COURT FROM COMMERCIAL-2 (C-2) TO COMMERCIAL-4 (C-4) ZONING DISTRICT

STAFF PRESENTATION

Nadia DiTommaso, Community Development Director, addressed the P&Z Board and explained that this is a Town-initiated Application to re-zone eight (8) parcels (consisting of 3.71 acres) which are located on the west side of 10th Court, north of Northern Drive and approximately 170' south of Northlake Boulevard, so that their zoning designations will be consistent with Amendments to the Town's Comprehensive Plan Future Land Use Map which became effective in 2009. The future land use designations changed from Commercial to Commercial/Light Industrial and at the time the Town Commission initiated the land use change to reflect the actual commercial and light industrial land uses operating upon the eight (8) properties. The C-4 Zoning District contains a variety of commercial and light industrial uses and in comparison, the existing C-2 Zoning District is primarily intended for general commercial uses and not for light industrial uses. Ms. DiTommaso stated that Staff is recommending that the eight (8) properties be rezoned to the C-4 Zoning District to be consistent with the existing future land use designation of Commercial/Light Industrial of the Town's Comprehensive Plan.

STAFF RECOMMENDATION

Ms. DiTommaso stated that Staff is recommending that the Planning & Zoning Board recommend approval of the rezoning of eight (8) parcels on the west side of 10th Court from Commercial-2 to Commercial-4 Zoning District to the Town Commission.

BOARD DISCUSSION

Board Member Von Unruh questioned if the approval of the rezoning might rule out any uses which are currently in use. Ms. DiTommaso answered that the rezoning would not rule out any current uses.

Chair Thomas stated that she had previously discussed with Staff her concern regarding the creation of an enclave for a nearby property, Mullinax Ford, however, she was satisfied with the discussion with Staff and understands this will not be an issue.

PLANNING & ZONING BOARD RECOMMENDATION

Chair Thomas requested a motion for the approval of the re-zoning of eight (8) parcels on the west side of 10th Court from C-2 Zoning District to C-4 Zoning District. Board Member Schneider made a motion to approve, and the motion was seconded by Board Member Von Unruh. The vote was as follows:

	Aye	Nay
Judith Thomas	X	
Michele Dubois	X	
Martin Schneider	X	
Erich Von Unruh	X	
Ludie Francois	X	

The Motion carried 5-0 and the Town-initiated Application to Re-zone eight (8) parcels located on the west side of 10th Court from C-2 Zoning District to C-4 Zoning District was unanimously approved.

- A. AN APPLICATION FOR FOUR (4) PARK AVENUE DOWNTOWN DISTRICT (P.A.D.D.) WAIVERS TO THE PARKING SPACE REGULATIONS, APPLIED FOR BY FRED VECCHIONE OF VECCHIONE CONSTRUCTION, ACTING AS AGENT FOR THE SUE-ELLEN MOSLER GABLE TRUST (OWNER) FOR THE PROPERTIES LOCATED AT 700 AND 748 PARK AVENUE**

STAFF PRESENTATION

Debbie Abraham, Town Planner, addressed the P&Z Board and stated that she is presenting an Application for four (4) waiver requests for a property located within the Park Avenue Downtown District (P.A.D.D.). Ms. Abraham stated that it is important to note that the Town Code identifies all variances from the P.A.D.D. as “waivers”, and therefore, parties which are located within the P.A.D.D. that are unable to meet certain development regulations must submit a request for a waiver, rather than a variance.

The waiver request application before the Board was initiated by Fred Vecchione of Vecchione Construction, on behalf of the Sue-Ellen Mosler Gamble Trust, the property owner of 700 Park Avenue and 748 Park Avenue. Ms. Abraham provided the P&Z Board with the following history of the properties:

The three buildings which occupy the 700 Block of Park Avenue between 7th Street and 8th Street are 700 Park Avenue, 748 Park Avenue and 754 Park Avenue. The buildings are physically connected, yet each building is on a separate legal parcel. The access point for 700 Park Avenue is off of 7th Street and Park Avenue, while the access point for 754 Park Avenue is off of 8th Street and Park Avenue. There is no direct access point for 748 Park Avenue. The three sites have informally shared the access points for many years, without the recording of an official Cross and Joint Access Agreement. The original parking configuration for 700 Park Avenue and

748 Park Avenue shows 45 degree angled parking stalls which face east, demonstrating a dependence on the access point for 754 Park Avenue.

Ms. Abraham explained that in April, 2013, the Property Owner of 754 Park Avenue placed dividers along the property line which separated the property from 748 Park Avenue. Since there was not an executed Cross and Joint Access Agreement there was nothing to prevent the Property Owner from placing the dividers. This action consequently disabled the patrons of 700 Park Avenue and 748 Park Avenue from accessing the points of ingress and egress within the property boundaries of 754 Park Avenue. The parking configuration was no longer sustainable for 700 Park Avenue and 748 Park Avenue and the traffic flow became unclear, which ultimately created a hazardous situation for motorists and pedestrians.

Ms. Abraham stated that Fred Vecchione, Agent for the Sue-Ellen Mosler Gamble Trust, approached the Town with a proposed revision to the parking lot since the two property owners were not able to come to terms on a Cross and Joint Access Agreement. Mr. Vecchione's revision includes a change of direction for the parking stalls which face east and are set at 45 degrees, to be modified to 90 degrees, and also to implement the placement of parallel parking spaces on the north side of the parking lot. The proposed revision has resulted in the reduction of the number of parking spaces, as well as the reduction in the stall size and drive aisle width, however, has allowed the site to be self-sufficient, relying only on the access point within the 700 Park Avenue boundaries. Ms. Abraham further stated that although 700 Park Avenue and 748 Park Avenue are currently under the same ownership, the Applicant has created a Cross and Joint Access Agreement between 700 Park Avenue and 748 Park Avenue to secure this parking and traffic circulation pattern in the future. Upon initial approval from the Town Engineer, the Town has issued a temporary permit for the Applicant to temporarily reconfigure the Site to make a clear traffic circulation pattern for patrons. In order to legitimize the new parking configuration, the Applicant is requesting a total of four (4) waivers, as follows.

1. A REDUCTION OF 9 PARKING SPACES FROM THE ORIGINALLY APPROVED PLANS (73 TO 64) FOR THE PROPERTIES LOCATED AT 700 AND 748 PARK AVENUE.
2. A MODIFICATION OF THE PARKING STALLS RESULTING IN A WIDTH OF 9 FEET INSTEAD OF A WIDTH OF 10 FEET AS REQUIRED BY TABLE 78-70-6(B).
3. A MODIFICATION OF THE PARKING STALLS RESULTING IN A DEPTH OF 17 FEET INSTEAD OF A DEPTH OF 18 FEET, 6 INCHES AS REQUIRED BY TABLE 78-70-6(C).
4. A MODIFICATION OF A ONE FOOT REDUCTION IN THE DRIVE AISLE WIDTH SEPARATION BETWEEN PARKING SPACES RESULTING IN THE DRIVE AISLE BEING REDUCED TO 23 FEET FROM 24 FEET AS REQUIRED BY TABLE 78-70-6(D).

STAFF RECOMMENDATION

Ms. Abraham stated that Town Staff, the Town Engineer, and Palm Beach County Fire Rescue have reviewed the waiver request application based on the waiver criterion addressed in Code Section 78-70 and is recommending that the Planning & Zoning Board recommend approval of the four (4) waiver requests to the Town Commission.

BOARD MEMBER DISCUSSION

Board Member Schneider made a suggestion to decrease the width of the parallel parking spaces from 10' to 9' which will widen the drive aisle width from 23' to 24'. Ms. DiTommaso stated that this is a good suggestion and that Staff would incorporate these changes as a condition.

Board Member Von Unruh questioned if there is a designated walkway between the subject properties and the additional parking spaces in the Town alleyway providing for the protection of pedestrians. Chair Thomas asked if a pedestrian pathway on the east side of the building would interfere with parking. There was a discussion about painting a cross-walk onto the parking lot to guide pedestrians from the subject property to the additional parking spaces in the Town's alleyway. The Town Attorney suggested that Staff and the Applicant get together to discuss the suggestion prior to the Town Commission Meeting. The Community Development Director stated that Staff will meet with the Applicant the next day in order to discuss.

Board Member Schneider questioned if there are other properties in Town that informally share access without a recorded Cross and Joint Access Easement Agreement in place. Ms. DiTommaso stated that the situation has occurred and the issue has come up recently, and Staff has encouraged cross and joint easement agreements when those property owners propose modifications to their property. Board Member Schneider asked if the Town can require Cross and Joint Access Easement Agreements from property owners that share drive aisles and ingress and egress points. The Town Attorney responded that the Town Commission recently adopted Regulations to require Cross Access Agreements for new development however could not compel, but rather encourage cross access agreements for properties redeveloping or making modifications on a case-by-case basis.

Fred Vecchione thanked Staff and stated that he is grateful that this life safety issue is being resolved.

PLANNING & ZONING BOARD RECOMMENDATION

Chair Thomas requested a motion for the approval of the four (4) waiver requests with a condition that the drive aisle be enlarged to the Code required 24 foot width, and the waiver be granted for a 9 foot parallel parking stall width instead of the Code required 10 foot width. Board Member Schneider made a motion to approve, and the motion was seconded by Board Member Von Unruh. The vote was as follows:

	Aye	Nay
Judith Thomas	X	
Michele Dubois	X	
Martin Schneider	X	
Erich Von Unruh	X	
Ludie Francois	X	

The Motion carried 5-0, and the Application for four (4) Waivers with the additional Condition was unanimously approved.

C. CONGRESS AVENUE PROPERTIES RE-ZONING FROM COMMERCIAL-2 (C-2) TO A PLANNED UNIT DEVELOPMENT (PUD) AND THE APPROVAL OF A PUD MASTER PLAN

STAFF PRESENTATION

Nadia DiTommaso, Community Development Director, stated that Staff is requesting that this item be continued to the June 2, 2014, Planning & Zoning Board Meeting as listed on the revised agenda.

PLANNING & ZONING BOARD RECOMMENDATION

Chair Thomas requested a motion to approve Staff's request to continue the *Congress Avenue Properties Re-Zoning from Commercial-2 (C-2) to a Planned Unit Development (PUD) and the approval of a PUD Master Plan* to the June 2, 2014, Planning & Zoning Board Meeting. Board Member Von Unruh made a motion to approve, and the motion was seconded by Board Member Schneider. The vote was as follows:

	Aye	Nay
Judith Thomas	X	
Michele Dubois	X	
Martin Schneider	X	
Erich Von Unruh	X	
Ludie Francois	X	

The Motion carried 5-0, and Staff's request to continue the *Congress Avenue Properties re-zoning from Commercial-2 (C-2) to a Planned Unit Development (PUD) and the approval of a PUD Master Plan* to the June 2, 2014, Planning & Zoning Board Meeting was unanimously approved.

COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

There were no further comments by the Community Development Director.

ADJOURNMENT

There being no further business before the Board, the Meeting was adjourned at 8:05 p.m. by Chair Judith Thomas.

Respectfully Submitted,



Kimberly B. Rowley
Planning & Zoning Board Recording Secretary

PLANNING & ZONING BOARD APPROVAL:



Judith Thomas, Chair
Town of Lake Park Planning & Zoning Board

DATE: 6/2/2014