



**TOWN OF LAKE PARK
PLANNING & ZONING BOARD
MEETING MINUTES
OCTOBER 5, 2015**

CALL TO ORDER

The Planning & Zoning Board Meeting was called to order by Chair Judith Thomas at 7:03 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Judith Thomas, Chair	Present
Erich Von Unruh, Vice-Chair	Not Present
Martin Schneider	Present
Michele Dubois	Excused
Ludie Francois	Not Present
Anne Lynch, Alternate	Present

Also in attendance were Thomas J. Baird, Town Attorney; Nadia DiTommaso, Community Development Director; Scott Schultz, Town Planner, and Kimberly Rowley, Board Secretary.

APPROVAL OF AGENDA

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

	Aye	Nay
Judith Thomas	X	
Martin Schneider	X	
Anne Lynch	X	

The Motion carried 3-0, and the Agenda was approved as submitted.

APPROVAL OF MINUTES

Chair Thomas requested a motion for the approval of the September 14, 2015, Planning & Zoning Board Meeting Minutes as submitted. Board Member Lynch made a motion for approval, and it was seconded by Board Member Schneider. The vote was as follows:

	Aye	Nay
Judith Thomas	X	
Martin Schneider	X	
Anne Lynch	X	

The Motion carried 3-0, and the Minutes of the September 14, 2015, Planning & Zoning Board Meeting were approved as submitted.

PUBLIC COMMENTS

Chair Thomas reviewed the Public Comments procedure.

ORDER OF BUSINESS

Chair Thomas outlined the Order of Business.

NEW BUSINESS

- A. A SPECIAL EXCEPTION USE APPLICATION BY JOE BRACKNEY, AGENT FOR LEASING OF SOUTH FLORIDA, LLC, FOR A “VEHICLE SALES AND REPAIR” USE LOCATED AT 131 FEDERAL HIGHWAY.**

STAFF PRESENTATION

Scott Schultz, Town Planner, stated the Board is considering a Special Exception Use Application to operate a jet ski sales, service and rental shop at 131 Federal Highway. The Agent is Joe Brackney, on behalf of the property owner, Leasing of South Florida, Inc. Mr. Schultz stated he would read into the record Staff Findings and the Findings of Fact in regard to the six (6) Criteria required for the granting of a special exception use, as follows:

Criteria 1: Staff finds the proposed Special Exception Use is consistent with the Comprehensive Plan since it will improve an existing commercial area with associated site improvements; facilitate economic development in and around the Town’s Marina District; and, is making use of an existing property that is currently not utilized and has been vacant for several years.

Criteria 2: Staff finds the Special Exception Use Application is consistent with Land Development and Zoning Regulations of Criteria 2 with the implementation of the following requirements, pursuant to the proposed Site Plan SP-1 (visual shown):

- 1. Provide the required five (5) parking spaces inclusive of one (1) ADA space onsite;

2. Provide a designated valet parking area in the northern side yard for customers and define the area using striping and signage. A Cross Access Agreement with 139 Federal Highway shall be executed;
3. Provide parking lot improvements to the entire site which includes patching all deteriorated paved areas, applying a new seal coat finish, and striping the parking stalls, drive aisles, and drive aisle directional signals;
4. Install mesh fabric to the rear yard entrance and exit gates so that the parking and storage area will be sufficiently screened from public view;
5. Install landscaping in the front yard planting bed which includes, but is not limited to, a groundcover and hedges from the Town's list of approved plant species; and,
6. Removal of the non-conforming pole sign and submit a Sign Permit Application to the Community Development Department for the desired wall signage.

Criteria 3: Staff finds that the proposed Special Exception Use is compatible with the character and use of the surrounding properties.

Criteria 4: Staff finds that the proposed Special Exception Use will not create a concentration or proliferation of the same or similar type of special exception uses that is detrimental to the development or redevelopment of the area where it is being proposed.

Criteria 5: Staff finds that the proposed Special Exception Use will not have a detrimental impact on surrounding properties based on the number of persons using, residing or working on the property; the degree of noise, odor or visual nuisance; and, the effect on the amount and flow of traffic generated by this use.

Criteria 6: Staff finds that the proposed Special Exception Use:

- a) Does not significantly reduce light or air to adjacent properties;
- b) Does not adversely affect property values in adjacent areas;
- c) Is not a deterrent to the improvement, development or redevelopment of surrounding properties; and
- d) Does not negatively impact the adjacent natural systems or public facilities.

STAFF RECOMMENDATION

Mr. Schultz stated Staff finds the Application meets each of the six (6) Criteria required for granting a Special Exception Use, and is therefore recommending approval, with the following five (5) Conditions, as outlined in the Staff Report:

1. Site shall be improved pursuant to plan SP-1 received and dated by the Community Development Department on July 8, 2015.

2. A Cross Access Agreement with the neighboring property to the north, 139 Federal Highway, shall be executed and shall be received and approved by the Town Attorney prior to issuance of a Business Tax Receipt (BTR).
3. Site is required to be improved by patching all deteriorated paved areas; applying a new seal coat finish; and striping the parking stalls, drive aisles, drive aisle directional signals, and valet areas pursuant to Site Plan SP-1 and prior to the issuance of the BTR.
4. The Applicant shall remove the non-conforming pole sign and submit a Sign Permit Application to the Community Development Department for the desired wall signage; and,
5. No work shall be performed on jet skis, namely, running, revving, testing or starting of a jet ski engine in the outdoors at any time. If a vehicle must be run/tested, except for turning the engine on and off to confirm it operates, it must first be transported to a body of water. The garage bay doors shall remain closed at all times except when a vehicle is moved between the rear yard and garage.

Mr. Schultz informed the Board that the Applicant is present.

APPLICANT PRESENTATION

Mr. Joe Brackney, Sr. addressed the Board and stated his son Joe Brackney, Jr. is also present. Mr. Brackney stated they previously owned three business establishments in New Jersey and then relocated to Florida and began a business in the City of Riviera Beach. They quickly realized they wanted to move out of the City of Riviera Beach and selected the site at 131 Federal Highway because it is a desirable area which is close to the Marina.

PUBLIC COMMENTS

- Karen Young addressed the Board and stated she is speaking on behalf of her spouse Mary Dyer, the property owner of 126 Lake Shore Drive. Ms. Young welcomed Mr. Brackney to the neighborhood and expressed their concerns regarding a couple of areas on the brick wall which have been knocked down onto their property, as well as with the dogs which are being kept on the premises and bark continually. Ms. Young stated that she has spoken with Mr. Brackney regarding the broken wall and he has agreed to repair it.

Mr. Schultz informed the Board that Ms. Young is referring to the masonry wall located at the rear of their property, which is required by Town Code between all commercial and residential properties.

BOARD DISCUSSION

Board Member Schneider confirmed with Staff that the maximum allowed wall height in the Commercial District is 8', and asked the Applicant the height of the rack containing the jet skis in the back. Mr. Brackney stated the rack is approximately 7.5" and that the rack height does not exceed the height of the wall. Regarding Ms. Young's concerns, Mr. Brackney stated they are going to repair the wall and the two Rottweilers which are kept on the property are let out in the evening and can be muzzled if necessary. Mr. Schultz showed a visual of the masonry wall and

noted that the wall is heavily landscaped. Ms. Young showed a picture of the jet skis appearing over the top of the 8' wall. There was discussion regarding the location of the masonry wall and the residence.

Board Member Schneider asked the Applicant to explain the business operation since there will not be much walk-in traffic and a small display area. Mr. Brackney stated that the majority of their business is pick-up and delivery for jet ski repair, with a very limited amount of retail customers coming into the showroom, and most sales are done over the Internet. Mr. Brackney stated the showroom does not have jet skis on display, but only parts. Mr. Schultz provided a visual layout of the building and the showroom area.

Board Member Schneider asked the Applicant to explain how the valet system will work. Mr. Brackney explained customers will pull in on the north side of the driveway at the entrance signage and there is a stop sign approximately 10' away. The customer will stop and get out of the car and come in, at which time they will take the car and park it in the backyard on the south side of the property.

Board Member Schneider asked the status of the Cross Access Agreement with the neighboring property to the north. Mr. Brackney responded he has personally spoken with the neighbor and there is not a problem with the Cross Access Agreement nor with sharing dumpsters for cardboard and trash.

Board Member Lynch asked the Applicant to describe how his business works. Mr. Brackney explained the website, jet ski sales and consignment sales. Mr. Brackney stated a lot of their work is done at the major marinas, for example Rybovich Marina. He explained they pick up the jet skis, bring them to the shop for repair, and then return them, since they want to utilize their own equipment/trailers for transportation.

Board Member Lynch asked for clarification of testing the jet skis and running the engines inside. Mr. Brackney stated they will test the jet skis outside just to make sure that they start and then take the jet skis down to the Lake Park Marina for further testing. Board Member Schneider asked for clarification regarding starting the jet skis outdoors, pursuant to Staff's condition. Mr. Schultz stated that it is his understanding in working with the Applicant that there will be no starting of the engines outdoors, but only inside of the shop, which is a Condition of Approval.

Chair Thomas asked Staff if the purpose of the Special Exception is for the repair use. Mr. Schultz stated the purpose is for anything relating to vehicle sales, service or rentals. Chair Thomas stated the Vespa dealership did not come to the P&Z for Special Exception Use. Ms. Di Tommaso stated that the special exception use was changed by Code approximately two (2) years ago. Prior to that, motor vehicle sales, rental and repair was a permitted use by right in the C-1 District. Ms. DiTommaso stated she will research what the use was prior to the Vespa dealership.

Chair Thomas questioned Staff about the location of the fence and the requirement of mesh rather than slats. Mr. Schultz responded that either option is acceptable.

Chair Thomas asked the Applicant to describe their clientele. Mr. Brackney reiterated that most of their business/clientele is generated from the Internet and over the phone, and they generally deal with the larger marinas and mega cruise ships. Chair Thomas asked if they were planning to purchase the property. Chair Thomas questioned the purpose of the Cross Access Agreement. Mr. Shultz responded by showing a visual of the site and explained it is a very tight area between the buildings and they are proposing a Cross Access Agreement in order to maneuver in and out. Chair Thomas asked how the Agreement would be enforced and recorded. Mr. Schultz responded that the Cross Access Agreement would be recorded in the Official Records of Palm Beach County.

Chair Thomas asked if there will be any other form of security in addition to the dogs being kept on the property, and expressed her concern with the dogs being muzzled. Board Member Lynch suggested that consideration be given to another type of (electronic) security system with a direct link to the Palm Beach County Sheriff’s Office, which might be more effective. Mr. Brackney replied they have bonded with their dogs which are kept in a large kennel with fans. Chair Thomas verified with the Applicant that garage access and repairs will take place in the back, and also questioned the ventilation system.

Chair Thomas questioned Staff about the decibel amount in the Code and expressed a concern with the noise of the jet skis being directly adjacent to the residential area. Ms. Di Tommaso explained Town Code no longer contains decibel limits, but addresses noise complaints as a nuisance if the audible sound is within 100’ of a property line. Ms. DiTommaso explained Staff relies on noise complaints from the public and, pursuant to Town Code, citations are issued on an incremental sliding fee basis. Chair Thomas asked how Staff is proposing to address the noise issue. Ms. DiTommaso stated that Staff will need to work with the Applicant prior to the Town Commission Meeting in order to discuss noise issue and if he needs to explore alternative security methods.

Chair Thomas asked for clarification of the proposed business hours. Mr. Brackney stated the hours of operation will be from 9:00 to 5:00 p.m.

PLANNING & ZONING BOARD RECOMMENDATIONS

Upon conclusion of the Board discussion, Chair Thomas requested a motion from the Board. Board Member Schneider made a motion for approval of the Special Exception Use for the jet ski business at 131 Federal Highway. The motion was seconded by Board Member Lynch, and the vote was as follows:

	Aye	Nay
Judith Thomas	X	
Martin Schneider	X	
Anne Lynch	X	

The vote was 3-0 and the Special Exception Use Application for Leasing of South Florida, LLC, located at 131 Federal Highway, was approved, with five (5) Conditions as outlined within the Staff Report.

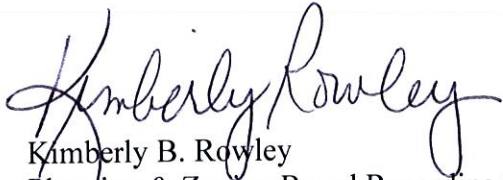
COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

There were no comments from the Community Development Director.

ADJOURNMENT

There being no further business before the Board, the Meeting was adjourned by Chair Thomas at 7:55 p.m.

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: 11/23/15