



Minutes
Town of Lake Park, Florida
Town Commission Meeting
Wednesday, November 4, 2015, 6:00 PM
Town Commission Chamber, 535 Park Avenue

The Town Commission met for the purpose of a Town Commission Meeting on Wednesday, November 4, 2015 at 6:00 p.m. Present were Mayor James DuBois, Vice-Mayor Kimberly Glas-Castro, Commissioners Erin Flaherty, Michael O'Rourke and Kathleen Rapoza, Town Manager John O. D'Agostino, Attorney Thomas Baird, and Town Clerk Vivian Mendez.

Town Clerk Mendez performed the roll call and Mayor DuBois led the pledge of allegiance.

Mayor DuBois announced that the Commission would now recess the Town Commission meeting and go into an Executive Session. The following people shall attend the Executive Session in the Town Hall conference room: Mayor James DuBois, Vice-Mayor Kimberly Glas-Castro, Commissioners Erin Flaherty, Michael O'Rourke, Kathleen Rapoza, Town Manager John D'Agostino, and Town Attorney Thomas Baird. After the Executive Session, the Commission would reconvene the Town Commission meeting.

The Commission meeting reconvened at 6:58 p.m.

SPECIAL PRESENTATIONS/REPORTS

1. Club 100 Charities Annual Report

The Club 100 Charities presentation would be rescheduled to another date.

INTRODUCTION of Major Ron Mattino

Mayor DuBois introduced Major Ron Mattino of the Palm Beach County Sheriff's Office (PBSO) North Region Road Patrol Operations. Major Mattino introduced himself and gave a brief history of the North Region Road Patrol Operations, which its territory covers between Lantana Road to Tequesta. He has been working for PBSO for 28 years and promoted to Major last year. The Commission welcomed Major Mattino.

PUBLIC COMMENT:

None

CONSENT AGENDA:

2. Regular Commission meeting minutes of October 21, 2015.

Motion: Commissioner O'Rourke moved to approve the consent agenda; Commissioner Flaherty seconded the motion.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

PUBLIC HEARING(S) – ORDINANCE ON FIRST READING:

None

PUBLIC HEARING(S) – ORDINANCE ON SECOND READING:

None

RESOLUTION – QUASI-JUDICIAL HEARING:

3. Resolution No. 44-11-15 Approving a Site Plan and the Special Exception use for Vehicle Sales and Rental of Jet Skis to be Located at 131North Federal Highway in the C-1 Business District.

Ex-parte Communication Disclosures:

Commissioner Rapoza has had no communication with the parties.

Commissioner Flaherty has had no communication with the parties.

Commissioner O'Rourke has had no communication with the parties.

Vice-Mayor Glas-Castro has had no communication with the parties.

Mayor DuBois has had no communication with the parties. He attended the Planning & Zoning Board meeting when this item was presented to the Board.

Attorney Baird swore in all witnesses.

Community Development Director Nadia DiTommaso presented the item (see Exhibit "A"). Mr. Joe Brackney Sr. introduced himself and gave a brief history of the business. He addressed a few concerns that were mentioned in the staff report. He explained that the security dogs that are on the property have adapted to the site and are no longer causing a disturbance at night. He explained that a fence mess would be installed to ensure that the dogs would not be standing at the gate looking out. Commissioner O'Rourke asked about the service to Jet Ski's that would take place on the property and the noise level it would create. Mr. Brackney stated that the operation of the Jet Ski's would take place during businesses hours, which are 9:00 a.m. through 4:00 p.m. Monday through Friday and 9:00 a.m. through 2:00 p.m. on Saturday. He explained that the Jet Ski noise are similar to a boat starting at the Marina. He stated that prior to arriving at the boat launch ramp they would turn the Jet Ski's on to make sure they are operable. Commissioner O'Rourke asked if the Jet Ski's would be turned on after business hours.

Mr. Brackney stated “no”. Commissioner O’Rourke asked that a condition be included stating that the operation of Jet Ski should only be during normal business hours. Mr. Brackney stated that a similar condition has been included.

Vice-Mayor Glas-Castro asked staff to explain the circulation of the valet area. Community Development Director DiTommaso explained that valet signage would instruct a driver where to stop; the business employee would then drive the vehicle to the rear of the property and finish their business transaction. Once they have finished the business transaction a staff member would drive the vehicle back around to the side of the business for the customer. Mr. Brackney explained that most of the rentals are long term, between one and two weeks. He stated that the Jet Ski’s were dropped off at the Marina and once they are ready to be returned, a staff member would pick it up. Vice-Mayor Glas-Castro asked if someone could rent the Jet Ski for one day. Mr. Brackney stated “yes” the Jet Ski could be rented for the day, ½ day, or longer. Vice-Mayor Glas-Castro asked if the staff person would mount the Jet Ski on the back of a vehicles trailer. Mr. Brackney stated “no”. He explained the process that would be followed by the customer and his staff. He stated that a person would make a reservation then go to the business and fill out the necessary paperwork; they would be taught how to use the Jet Ski; then a staff member would launch the Jet Ski for the person and pick up the Jet Ski at the ramp once the rental was completed. Vice-Mayor Glas-Castro asked how the noise Ordinance would be enforced. Community Development Director DiTommaso stated that the Ordinance states that if the noise was plainly audible then the business would be fined if the noise lasted longer than 10 minutes. Vice-Mayor Glas-Castro expressed concern with the noise the business would generate for the area. Mr. Brackney explained that the dogs are placed in their kennels, at the rear of the property during the day. He identified on the map where the dog kennel was located on the property.

Commissioner Rapoza asked how often per day were the Jet Ski’s turned on to verify they are operable on the property. Mr. Brackney stated about three times a day lasting less than 10 minutes each time. He stated that the noise was similar to a lawn mower.

Commissioner Flaherty asked how often they use the boat ramp to launch the Jet Ski’s. Mr. Brackney explained that they use the launch ramp once or twice a day and they use it when the ramp was not busy. Commissioner Flaherty asked if they use an annual launch pass. Community Development Director DiTommaso stated that the question would need to be addressed with the Marina staff.

Mayor DuBois explained the history of the adjacent property and the type of business that was located on that property. He asked staff if there were any differences between the former business on the adjacent property and this business. Community Development Director DiTommaso stated that she was not familiar with the operation of the business that was there many years ago. Mayor DuBois asked why a special exception was necessary. Community Development Director DiTommaso stated that the Town Code changed. Mayor DuBois expressed concern that the business was being limited to their hours of operation.

Motion: Commissioner Rapoza moved to approve Resolution 44-11-15 for the proposed special exception use of a vehicle sales and rental establishment for Jet

Ski's at 131 North Federal Highway with the conditions of approval as listed in the staff report.

The motion failed for lack of a second.

Motion: Commissioner O'Rourke moved to approve Resolution 44-11-15 with the revised conditions #7 to include that outdoor testing of Jet Ski's shall be limited in accordance with the following provisions, that the Jet Ski's could be tested by turning on and off the engine to ensure that it is running properly, second that any other testing other than that shall be done only after it has been transported to a body of water so that test runs can occur, third that the testing of the Jet Ski's be limited to the hours of Monday through Saturday from 9:00 a.m. through 5:00 p.m.; Vice-Mayor Glas-Castro seconded the motion.

Mayor DuBois stated that it was onerous on the business. He stated that the adjacent property had a long history of similar operation. He stated that limiting the business to test their equipment to certain hours was the only issue he had with the motion. He could not understand how the condition in the motion would help the public, but instead how it could hurt the business.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0

NEW BUSINESS:

4. Resolution No. 45-11-15 Fiscal Year 2014/2015 Budget Adjustment for Abandonment of E. Jasmine Drive.

Town Manager D'Agostino presented the item (see Exhibit "B"). Commissioner O'Rourke asked for clarification of the Streets & Roads Fund. Finance Director Blake Rane explained that the unassigned fund balance in the Streets & Roads Fund as of September 30, 2014 (which was the last Comprehensive Annual Financial Report CAFR), was -\$78,060.00. He stated that the Town generates \$300,000 and spend approximately the same amount. He stated that the amount would not change unless the Town has an infusion of capital. Mayor DuBois pointed out that out of the \$300,000 generated in the Streets & Roads Fund approximately \$30,000 of it goes into repairing or benefiting streets, roads, and sidewalks. He questioned if placing the extra funds in this account make a difference. Finance Director Rane stated "absolutely", but it would not cover all the projects that would need to be done. Town Manager D'Agostino stated that the funds would assist the Public Works Department with one of their initiatives. Finance Director Rane stated that as each project would be identified as the highest priorities staff would have to come back to the Commission for approval of the project with a budget amendment.

Motion: Commissioner O'Rourke moved to approve Resolution 45-11-15; Commissioner Rapoza seconded the motion.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0

5. Review of the Town Manager Six-Month Performance Evaluation for the Evaluation Period of May 1, 2015 to November 1, 2015.

Human Resource Director Bambi Turner explained the item (see Exhibit "C"). Town Manager D'Agostino stated that it was an honor to work for the Commission and the residents of the Town. Mayor DuBois suggested that he work on the issues that were scored low on the evaluation. Commissioner O'Rourke stated that it was clear that there was a different management style than the previous Town Manager, which brings out the attributes of staff. Commissioner Rapoza stated that the Town Manager has business expertise that would benefit the Town and envisions the Town moving forward faster. Vice-Mayor Glas-Castro stated that email communication does not work for her because she does not have access to the Town email during the day. She stated that the information provided in the monthly reports are helpful but should be communicated throughout the month rather than at the end of the month.

6. A request from the Event Organizer of the Veteran's Car Show Proposed for Sunday, November 15, 2015 to allow the Town to be a Co-Sponsor thereby allowing for the Waiver of Certain Fees.

Town Manager D'Agostino presented the item (see Exhibit "D"). He pointed out that the event was a co-sponsored event and the total fee waiver amount was identified. He stated that the parks are underutilized and would like to see more events throughout the Town. Vice-Mayor Glas-Castro was pleased to see that the Town was co-sponsoring the event again. Mayor DuBois asked the event organizer, before the meeting began, if they were working with a charitable organization and was told no. He suggested to the event organizer that the Town has several charitable organization that they could collaborate with. Town Manager D'Agostino stated that staff was working on a future agenda item regarding fee waivers.

Motion: Commissioner O'Rourke moved to approve the waiving of fees for the Veteran's Car Show event; Commissioner Rapoza seconded the motion.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		

Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:

Town Attorney Baird had no comments.

Town Manager D’Agostino announced the March 15, 2016 municipal election-qualifying period as Tuesday, November 24, 2015 beginning at noon and ending at noon on Tuesday, December 8, 2015. He announced that the Fall Fest at Sunset was a success. He announced that every other Thursday at 10:00 a.m. a Diversity meetings takes place with members of the community. If any member of the Commission wishes to attend, please contact his office to ensure that another elected official was not already scheduled to attend. He urged residents that are dealing with diversity issues to attend. The group would be reaching out to Lake Park Elementary School staff to collaborate with the group. Commissioner Rapoza congratulated the Town Manager on becoming a Grandfather.

Commissioner Rapoza announced that the Fall Fest at Sunset was successful. She stated that there were less children out on Halloween.

Commissioner Flaherty announced that the Fall Fest at Sunset was successful. He asked if the new band would continue to play at these events. Town Manager D’Agostino stated that staff would be working with this band again, but more surprises would also be introduced at future events.

Commissioner O’Rourke stated that the 3 on 3 Basketball tournament would be held on Saturday, November 7, 2015. He encouraged everyone to volunteer and participate in the event.

Vice-Mayor Glas-Castro announced that the meeting with Senator Clemens would take place next week. She express concern that the Commission has not discussed their legislative concerns for the upcoming legislative session yet. She felt the meeting with Senator Clemens was premature since the Commission has not determined their priorities for this legislative session. The Town Manager offered to bring the information collected for the visioning session to the meeting with Senator Clemens. Mayor DuBois stated that at the last Government Affairs meeting the Village of Tequesta submitted a request to reduce the number of traffic lanes on US Highway 1. He expressed that the Town needed funding for Lake Shore Drive. Commissioner O’Rourke stated that the drainage on Lake Shore Drive could be addressed differently because of the climate changes. He suggested that the Town collaborate with other municipalities when requesting funding.

Mayor DuBois thanked staff for the invitation to the staff Halloween party. He congratulated staff on a success Fall Fest at Sunset. He announced that children should be careful now that Day Lights Saving Time has ended and it gets dark earlier. He announced that on November 14, 2015 Kiwanis of Lake Park would be hosting a garage

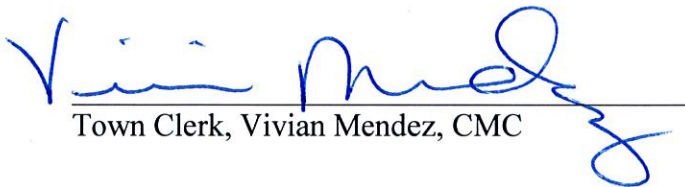
sale on E. Ilex Drive. He was awaiting confirmation of the Veteran's Day event. He requested that a future agenda item be placed regarding a Marina annual ramp pass.

ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Commissioner O'Rourke and seconded by Commissioner Rapoza, and by unanimous vote, the meeting adjourned at 8:21 p.m.



Mayor James DuBois



Town Clerk, Vivian Mendez, CMC



Approved on this 18 of November, 2015



Exhibit "A"

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: November 4, 2015

Agenda Item No. Tab 3

Agenda Title: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SITE PLAN AND THE SPECIAL EXCEPTION USE FOR VEHICLE SALES AND RENTALS OF JETSKIS TO BE LOCATED AT 131 NORTH FEDERAL HIGHWAY IN THE C-1 BUSINESS DISTRICT; PROVIDING FOR CONDITIONS ASSOCIATED WITH THE USE; AND PROVIDING FOR AN EFFECTIVE DATE.

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- PUBLIC HEARING ORDINANCE ON ___ READING
- NEW BUSINESS – RESOLUTION – PUBLIC HEARING/QUASI-JUDICIAL**
- OTHER
- CONSENT AGENDA
- OLD BUSINESS

Approved by Town Manager *[Signature]* Date: 10/19/15

Nadia Di Tommaso / Community Development Director
Name/Title *ND*

Originating Department: Community Development	Costs: \$ Legal Ad, Certified Mail and Engineer Review Funding Source: Applicant Escrow Account Acct. # 4897 <input type="checkbox"/> Finance _____	Attachments: → Staff Report → Resolution <u>44-11-15</u> → Copy of Applicant's Application, including proposed site plan → Legal Ad
Advertised: Date: September 25, 2015 Paper: Palm Beach Post <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone <u>ND</u> OR Not applicable in this case _____ Please initial one.

Summary Explanation/Background: PLEASE SEE STAFF REPORT.

Recommended Motion: I MOVE TO APPROVE RESOLUTION 44-11-15 FOR THE PROPOSED SPECIAL EXCEPTION USE OF A VEHICLE SALES AND RENTAL ESTABLISHMENT FOR JET SKIS AT 131 NORTH FEDERAL HIGHWAY WITH THE CONDITIONS OF APPROVAL AS LISTED IN THE STAFF REPORT.



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STAFF REPORT

**SPECIAL EXCEPTION APPLICATION FILED BY JOE BRACKNEY FOR
THE SPECIAL EXCEPTION USE OF A JET SKI SALES AND RENTAL,
WITH REPAIR SHOP TO BE LOCATED AT 131 NORTH FEDERAL
HIGHWAY IN THE C-1 BUSINESS DISTRICT**

BACKGROUND INFORMATION:

Applicant: Joe Brackney [Applicant]
Site: 131 North Federal Highway [Site]
Owner of Site: Leasing of South Florida, Inc.
Net Acreage: .26
Legal Description: KELSEY CITY LTS 13 TO 15 INC /LESS CO RD R/W/
& W 70 FT OF LTS 32 TO 34INC BLK 114
Current Zoning: C-1 Business District
FLUM land use category: Commercial Residential

Adjacent Zoning
North: C-1 Business District
South: C-1 Business District
East: R-2A Residential District
West: C-1 Business District

Adjacent Existing Land Use
North: Commercial Residential
South: Commercial Residential
East: Commercial Residential
West: Commercial Residential



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FIGURE 1: Aerial View





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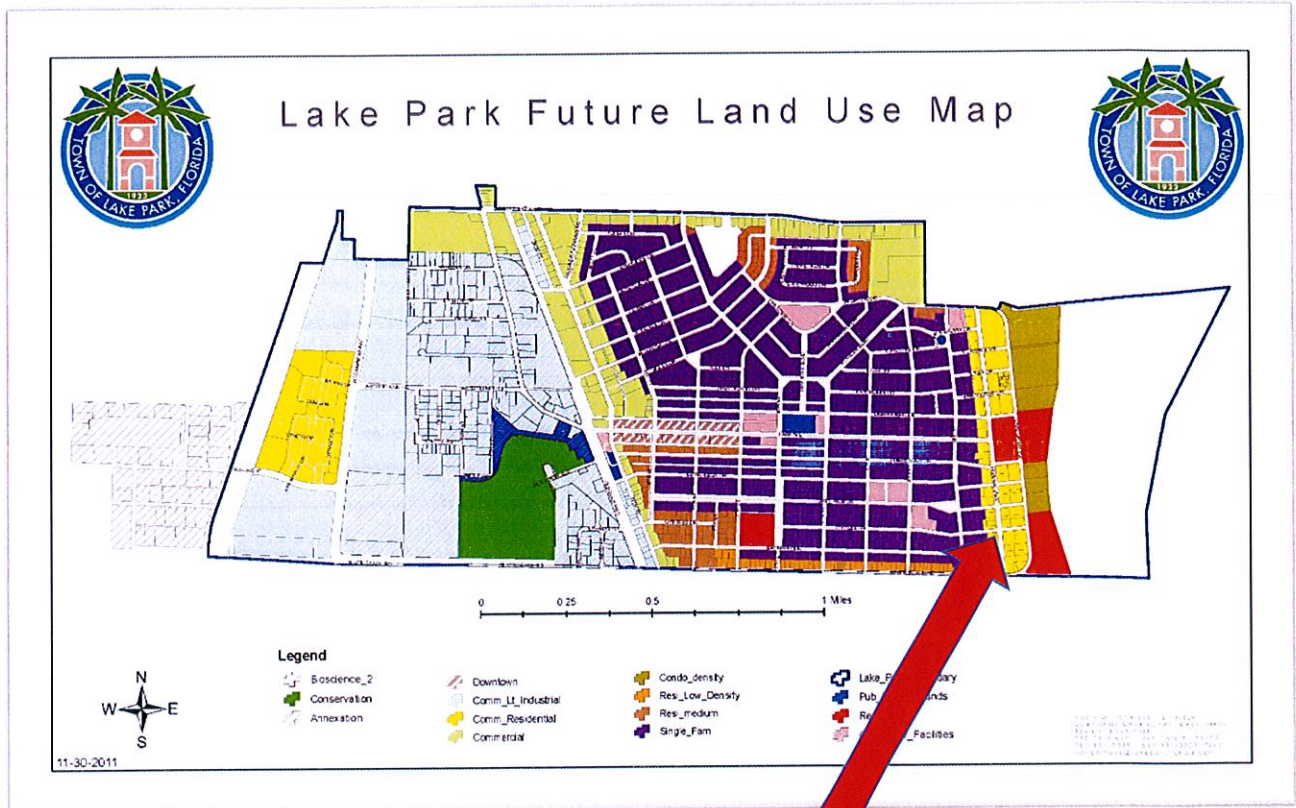
FIGURE 2: Town Zoning Map



Location of site



FIGURE 3: Town Future Land Use Map (FLUM)



Location of site



SUMMARY OF REQUEST:

The Applicant proposes to establish a Jet Ski sales, repair and rental shop located at 131 North Federal Highway. Repair services include routine maintenance, such as oil changes and tune-ups, and mechanical services including engine, carburetor and jet rebuilds. The retail portion of the business is conducted online and does not generate on site visits by the general public. Visitors to the shop are limited to distributors, suppliers, and delivery services such as FedEx or UPS.

The Applicant will conduct all Jet Ski services within the designated indoor garage area and will store the Jet Ski's on outdoor storage racks located in the rear yard. Onsite parking is also provided in the rear of the building at 4 total spaces and 1 ADA space located in the front yard. Business hours are 9:00am-4:00pm Monday through Friday and 9:00am-2:00pm on Saturdays. Customers seeking service by JetTek are provided with a pick-up and drop-off service by a JetTek employee; customers are not permitted to drop off or pickup their jet skis. The facility is approximately 2,030 square feet and will be comprised as follows:

Room	Size
Office space	200 Square Feet
Mechanics shop	928 Square Feet
Show room	450 Square Feet
Miscellaneous areas including hallways, closets, and bathrooms	452 Square Feet

Existing Conditions

The site for the special exception use is located in the Commercial-1 (C-1) Business District along the east side of North Federal Highway between Silver Beach Road and Cypress Drive. The C-1 Zoning District encompasses parcels in this area along both sides of North Federal Highway and the site abuts the Residential-2A (R-2A) Zoning District to its east. The site is dimensioned at approximately 75' by 150' and has one primary structure that was constructed in 1957. The site has been vacant for several years.



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Figure 4: Panoramic view of site:





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Figure 5: Panoramic view from site facing North Federal Highway to the east:





ANALYSIS OF SPECIAL EXCEPTION CRITERIA

The six criteria required for the granting of a Special Exception and staff comments to each are as follows:

Criteria 1

The proposed special exception use is consistent with the goals, objectives, and policies of the Town's Comprehensive Plan.

Applicable Goals and Objectives:

Chapter 3 Future Land Use, Objective 1, Policy 1.1:

j. Encourage redevelopment, renewal or renovation, that maintains or improves existing neighborhoods and commercial areas;
l. Facilitates the achievement of economic development, historic preservation, resource preservation, and other key goals.

Chapter 3 Future Land Use, Objective 5:

As a substantially built-out community in an urbanized area, the Town shall promote redevelopment and infill development in a manner that is considerate to existing neighborhoods and uses, the built and natural environments, and neighboring jurisdictions.

STAFF COMMENTS:

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 had been vacant for several years.

FINDING: CRITERIA MET



Criteria 2:

The proposed special exception is consistent with the land development and zoning regulations and all other portions of this code.

Parking 78-145(g)	The proposed special exception use will require 5 parking spaces inclusive of 1 ADA space as follows:																		
<table border="1"> <thead> <tr> <th data-bbox="433 562 805 636">Requirement</th> <th data-bbox="805 562 1154 636">Justification/calculation</th> <th data-bbox="1154 562 1479 636">Required parking spaces</th> </tr> </thead> <tbody> <tr> <td data-bbox="433 636 805 968"><i>One space for each 500 square feet of enclosed gross floor area.</i></td> <td data-bbox="805 636 1154 968">Office, reception and customer area is approximately 300 square feet. The remainder of indoor square footage is dedicated to the mechanics shop and storage.</td> <td data-bbox="1154 636 1479 968">1 parking space</td> </tr> <tr> <td data-bbox="433 968 805 1115"><i>One space per each 4,500 square feet of outdoor sales display and rental area.</i></td> <td data-bbox="805 968 1154 1115">There is not an outdoor sales display or rental area.</td> <td data-bbox="1154 968 1479 1115">0 parking spaces</td> </tr> <tr> <td data-bbox="433 1115 805 1188"><i>One space per service bay.</i></td> <td data-bbox="805 1115 1154 1188">There is one service bay in the building.</td> <td data-bbox="1154 1115 1479 1188">1 parking space</td> </tr> <tr> <td data-bbox="433 1188 805 1304"><i>One space per employee of the shift of largest employment.</i></td> <td data-bbox="805 1188 1154 1304">There are three employees at shift of largest employment.</td> <td data-bbox="1154 1188 1479 1304">3 parking spaces</td> </tr> <tr> <td colspan="2" data-bbox="433 1304 1154 1381" style="text-align: right;">TOTAL</td> <td data-bbox="1154 1304 1479 1381">5 REQUIRED PARKING SPACES</td> </tr> </tbody> </table>		Requirement	Justification/calculation	Required parking spaces	<i>One space for each 500 square feet of enclosed gross floor area.</i>	Office, reception and customer area is approximately 300 square feet. The remainder of indoor square footage is dedicated to the mechanics shop and storage.	1 parking space	<i>One space per each 4,500 square feet of outdoor sales display and rental area.</i>	There is not an outdoor sales display or rental area.	0 parking spaces	<i>One space per service bay.</i>	There is one service bay in the building.	1 parking space	<i>One space per employee of the shift of largest employment.</i>	There are three employees at shift of largest employment.	3 parking spaces	TOTAL		5 REQUIRED PARKING SPACES
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TOTAL		5 REQUIRED PARKING SPACES																	
<p>➤ Approval of this application relies upon the Applicant providing 5 onsite parking spaces inclusive of 1 ADA space per the proposed site plan.</p>																			
Circulation 78-142(c)(10)(a)	<p>The Town’s consulting Engineer reviewed the proposed site plan for traffic circulation and found that it does not comply with best practices from an engineering point of view. Specifically, that the drive aisle and ingress to the rear yard located on the north side of the building is very narrow and is immediately adjacent the building. He recommended that access to the rear parking lot be closed to the public and used only by staff who will be experienced at maneuvering the corner. Consequently, the Applicant is providing a valet drop-off and pick-up on the north side as illustrated on the proposed site plan.</p>																		



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	<p>➤ Approval of this application relies upon the Applicant providing valet parking to any visitors pursuant to the proposed site plan. Pursuant to their proposed site plan, a valet area on the north side of the building is being proposed and a cross/joint access agreement with 139 North Federal Highway is also being required as a condition of approval for better site maneuverability. The valet area will also serve as the temporary parking zone for couriers making deliveries to the site.</p>						
<p>Paving 78-142(c)(10)(f) & Striping 78-142(c)(10)(a)(i):</p>	<p>The site does not meet minimum paving standards since there are multiple deteriorated areas that require patching, a new sealcoat finish and restriping across the entire site. Drive aisles, directional signage and valet areas are also required to be striped. The implementation schedule, due to associated costs, is staged as follows:</p> <table border="1" data-bbox="464 856 1479 1050"> <thead> <tr> <th>Completion Date:</th> <th>Description of work</th> </tr> </thead> <tbody> <tr> <td>December 15th</td> <td>Patching, sealcoat and striping of the front yard and northern side yard.</td> </tr> <tr> <td>January 15th</td> <td>Patching, sealcoat and striping of the southern side yard and rear parking lot.</td> </tr> </tbody> </table> <p>➤ Approval of this application relies upon the Applicant providing necessary parking lot improvements pursuant to the proposed site plan.</p>	Completion Date:	Description of work	December 15 th	Patching, sealcoat and striping of the front yard and northern side yard.	January 15 th	Patching, sealcoat and striping of the southern side yard and rear parking lot.
Completion Date:	Description of work						
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January 15 th	Patching, sealcoat and striping of the southern side yard and rear parking lot.						
<p>Parking screening 78-253(1):</p>	<p><u>Rear yard parking lot:</u> The rear parking lot is visible from the street at each corner of the building and because there is no opportunity to add landscaped screening of this area staff is requiring that the entrance and exit gates to the rear yard be screened with mesh fabric pursuant to the proposed site plan.</p> <p><u>Front yard parking space:</u> Town Code requires screening of parking that is adjacent to a right of way with a minimum landscape buffer of 5 feet wide; however, the ADA parking space and its loading area will not allow for this since there is limited space in this area.</p> <p>➤ Approval of this application relies upon the Applicant installing mesh screening to the rear yard entrance and exit gates pursuant to the proposed site plan.</p>						
<p>Landscaping 78-253(a):</p>	<p>Due to the dimensions of the parcel and position of the building, the site for the proposed special exception use has minimal opportunity to add landscaping since the areas to the north and south of the building are the designated drive aisles and the areas to the east and west of the building are designated parking areas. There is opportunity, however, for landscaping in the front yard within the planting bed.</p>						



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	<ul style="list-style-type: none"> ➤ Approval of this application relies upon the Applicant installing landscaping in the front yard planting bed that includes, but is not limited to, groundcover and hedges from the Town’s list of approved plant species pursuant to the proposed site plan.
Fencing 78-112(b):	Commercial lots that abut a residential district are required to have a 6 foot masonry wall along the abutting property lot line. The site for the proposed special exception use complies with this requirement since there is an existing 6’ masonry wall along the property line abutting the R-2A Zoning District. This existing wall serves as a visual and noise buffer from the commercial corridor.
Signage 70-103(5):	<p>The site has a non-conforming pole sign located along North Federal Highway that must be removed. The Applicant’s plan proposes removal of this freestanding sign and installation of wall signs on the western and southern elevations.</p> <ul style="list-style-type: none"> ➤ Approval of this application is conditioned on the Applicant removing the non-conforming pole sign and applying for sign permits to install the desired wall signage.
Building Height, Building Site Area, Minimum Floor Area & Setbacks 78-71(2),(3), (4), & (5):	The site for the proposed special exception use meets the requirements of the C-1 Zoning District as it relates to building height, building site area, minimum floor area, and setbacks.

STAFF COMMENTS:

Staff finds that this application for a special exception use 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):

- ➔ Provide the required 5 parking spaces inclusive of 1 ADA space onsite;
- ➔ provide a designated valet parking area in the northern side yard for customers and define this area using striping and signage. A cross access agreement with 139 North Federal Highway shall be executed;
- ➔ provide parking lot improvements to the entire site that includes patching all deteriorated paved areas, applying a new seal coat finish, and striping the parking stalls, drive aisles, and drive aisle directional signals;
- ➔ install mesh fabric to the rear yard entrance and exist gates so that the parking and storage area is sufficiently screened from public view;



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TOWN COMMISSION
Meeting Date: November 4, 2015**

- install landscaping in the front yard planting bed that includes, but is not limited to, a groundcover and hedges from the Town's list of approved plant species; and,
- remove the non-conforming pole sign and submit a sign permit application to the Community Development Department for the desired wall signage.

FINDING: CRITERIA MET



Criteria 3

The proposed special exception use is compatible with the character and use (existing and future) of the surrounding properties in its function; hours of operation; type and amount of traffic to be generated; building location, mass, height and setback; and other relevant factors peculiar to the proposed special exception use and the surrounding property.

Zoning & Future Land Use:	The proposed special exception use is compatible with the character and use of the C-1 Business District since this Zoning District promotes general commercial activities such as the professional services proposed by the Applicant. The proposal is also compatible with the site's future land use designation of Commercial Residential.
Hours of Operation:	Operating hours of the proposed special exception use is consistent with the surrounding properties. The company's business hours are 9:00am-4:00pm Monday through Friday and 9:00am-2:00pm on Saturdays. It is also complimentary with the abutting R-2A Residential District, since the site will not be active after 4pm or on any weekends.
Traffic:	The proposed special exception use is compatible with the character and use of surrounding properties as it relates to traffic generation since the proposed business will generate minimal traffic. The Applicant estimates that they service 2 jet skis per week with an average turnaround time of 3 days. This may generate an average of 4 trips per week or 16 per month, counting arrivals and departures of each trip. In addition, there is no on site retail (retail services are online), customers do not pick up/drop off ski's and staff is limited to three individuals.
Location\Mass\Setbacks:	The proposed special exception use does not propose any new building or structural renovations to the existing structure, but the Applicant does intend on freshening up the paint and performing exterior improvement pursuant to the proposed site plan. The existing building on site is compatible with the character and use of the surrounding properties.

STAFF COMMENTS:

Staff finds that the proposed special exception use is compatible with the character and use of the surrounding properties.

CRITERIA MET



Criteria 4

The establishment of the proposed special exception use in the identified location does not create a concentration or proliferation of the same or similar type of special exception use, which may be deemed detrimental to the development or redevelopment of the area in which the special exception use is proposed to be developed.

The site is located on the eastern side of North Federal Highway between Cypress Drive and Silver Beach Road. On this block face there are two existing vehicle sales/service establishments. One business, “1 Stop Scooter Shop”, is located to the north of the site at 139 North Federal Highway and provides sales and service of scooters, and the other business, “South Florida Yachts” is located at 211 North Federal Highway and sells boats and yachts.



Town Code, Section 78-71(2)(g)(1), states that vehicle sales, rental, and repair shops cannot be located “within 500 feet of the same use, i.e. sales to sales, rentals to rentals, etc.” While the location of the proposed special exception use is located within 500 feet of (1) a scooter sales shop and (2) a boat/yacht sales/service shop, each of the three sites will sell, service or rent a different recreational vehicle.

STAFF COMMENTS:

The proposed special exception use will not create a concentration or proliferation of the same or similar type of special exception use that is detrimental to the development or redevelopment of the area where it is being proposed.

FINDING: CRITERIA MET



Criteria 5

The proposed special exception use does not have a detrimental impact on surrounding properties based on: (a) The number of persons anticipated to be using, residing, or working on the property as a result of the special exception use; (b) The degree of noise, odor, visual, or other potential nuisance factors generated by the special exception use; and, (c) The effect on the amount and flow of traffic within the vicinity of the proposed special exception use.

(a) The proposed special exception use **will not** have a detrimental impact on surrounding properties based on the number of persons working at the site since only three individuals are employed by the Applicant or based on the number of individuals using the site since the Applicant has no onsite retail component.

(b) Noise:

The proposed special exception use **will not** have a detrimental impact on surrounding properties based on noise generated from jet ski engines as long as those vehicles are not turned on, run or otherwise tested outdoors. Code Section 78-2(g)(2) prohibits the testing or repair of jet ski's outside of its designated building and staff is reinforcing this provision with an added condition of approval.

- No work or running of a jet ski engine shall be conducted outdoors and if the engine must be run indoors, other than turning it on to confirm that a repair was successful, it must first be transported to a body of water for testing. The bay doors must also remain closed at all times, except when a vehicle is moved between the garage and the parking lot.

Odor:

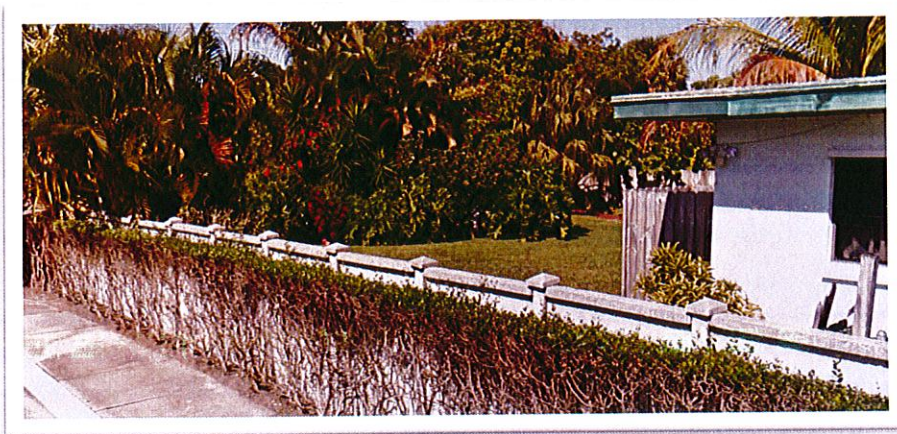
The proposed special exception use **will not** have a detrimental impact on surrounding properties based on odor that is generated by the activities on site. Since no jet ski engines are allowed to be run at the site there will be no engine exhaust that may cause an odor nor are there other activities of the proposed business that will generate any odors.

Visual:

The proposed special exception use **will not** have a detrimental impact on surrounding properties based on visual nuisance since the rear parking lot and storage area will be screened from public view along North Federal Highway and since the abutting residential lot to the east is heavily landscaped along the shared lot line.



**Residential Use at 126 Lake Shore Drive
That abuts 131 North Federal Highway**



- (c) The proposed special exception use **will not** have a detrimental impact on surrounding properties based on the amount and flow of traffic in the vicinity of the site since there is no onsite retail component, since customers personally do not visit or pick up and drop off their vehicles, and since only three individuals will occupy the site during business hours.

STAFF COMMENTS:

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 the use.

FINDING: CRITERIA MET



**Town of Lake Park
TOWN COMMISSION
Meeting Date: November 4, 2015**

Criteria 6

That the proposed special exception use: (a) Does not significantly reduce light and air to adjacent properties, (b) Does not adversely affect property values in adjacent areas, (c) Would not be a deterrent to the improvement, development or redevelopment of surrounding properties in accord with existing regulations, (d) Does not negatively impact adjacent natural systems or public facilities, including parks and open spaces, (e) Provides pedestrian amenities, including, but not limited to, benches, trash receptacles, and/or bicycle parking.

- (a) The proposed special exception use **will not** reduce light or air to adjacent properties since the application does not propose any additions or exterior renovations that will alter building height and mass.
- (b) The proposed special exception **will not** affect property values in the surrounding area and will actually compliment the marina.
- (c) The proposed special exception use **will not** be a deterrent to the improvement, development or redevelopment of surrounding properties.
- (d) The proposed special exception use **will not** have an impact on natural systems or public facilities since jet skis will not be washed or painted on site.
- (e) n/a

FINDING: CRITERIA MET



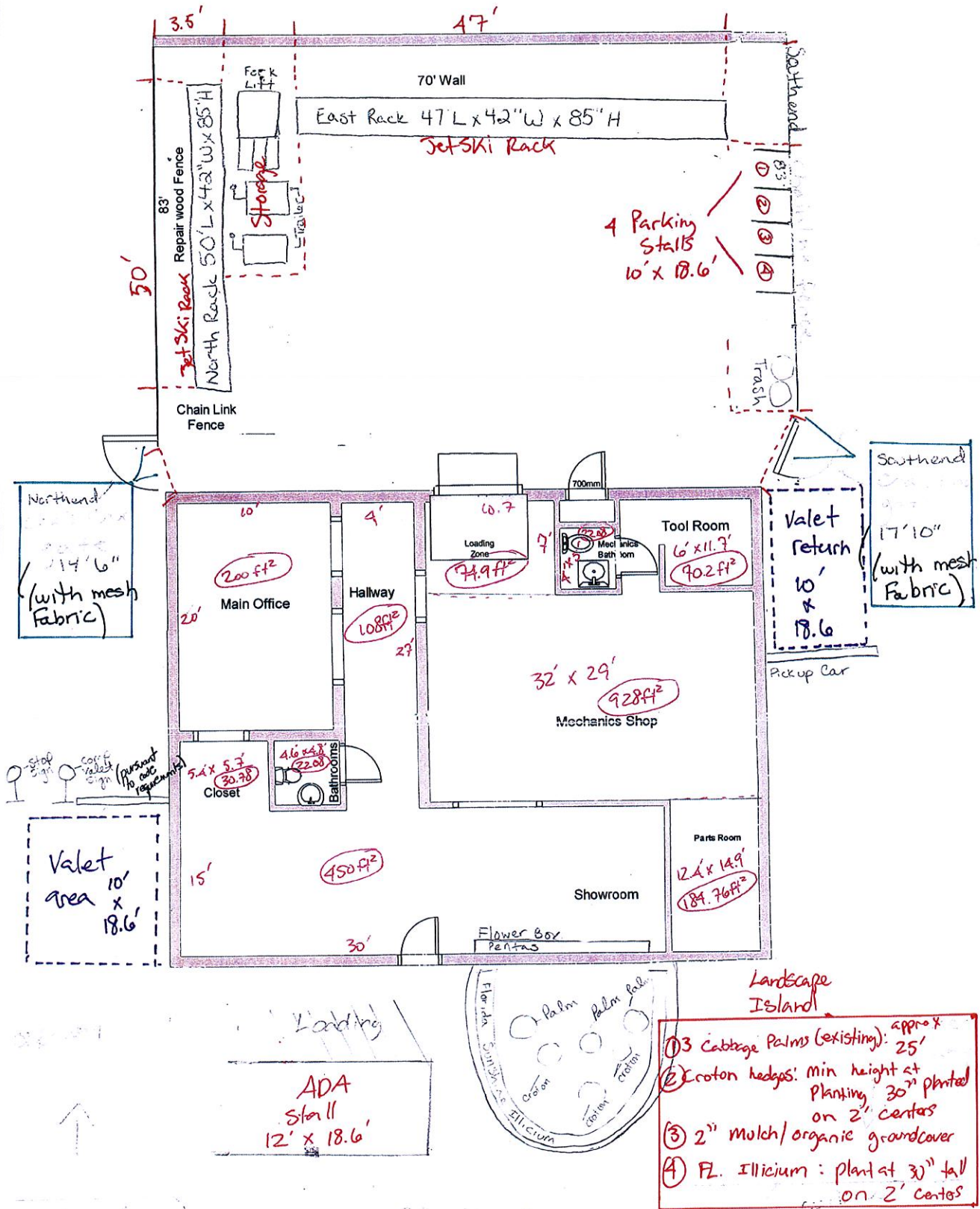
**Town of Lake Park
TOWN COMMISSION
Meeting Date: November 4, 2015**

PLANNING & ZONING BOARD MEETING (October 5, 2015): The Planning & Zoning Board heard this application and provided a recommendation of Approval (3-0) with staff's proposed conditions. The Board members heard from the Applicant at this meeting who explained his operation is conducted completely indoors, with the exception of the rear storage and the occasional customer (which very rarely occurs), who would be able to utilize the valet service. The Board heard from the single-family residents to the east of the subject property, who explained they were very happy to see a business move in, but wanted to ensure the screening was sufficient and the noise from the security dogs would be eliminated, especially at night. Staff has since worked with the Applicant, who understands that Jet Skis cannot be mounted any higher than the existing and proposed screening, since this would violate the "public view" storage code. Additionally, the dogs have already been placed at the site and have since grown accustomed to the new environment and have been trained. The Applicant informed staff that he has been in communications with the neighboring residential property owners and they are satisfied with the outcome (he will be able to expand on this at the Town Commission meeting). Finally, the meeting discussed the valet and the need for the cross/joint access for better maneuverability and this remains as a requirement.

FINDINGS OF FACT – STAFF RECOMMENDATION

Staff finds that this application for a special exception use meets each of the six criteria required for the granting of a special exception use. Staff recommends **APPROVAL** with the following conditions:

1. Prior to the issuance of a Business Tax Receipt (BTR) for Vehicle Sales and Rental with repair on the Subject Property, the Owner shall improve the Subject Property as shown on Site Plan SP-1 prepared by Joe Brackney, and received by the Community Development Department on July 8, 2015.
2. The Owner shall submit a proposed agreement for a cross/joint access easement with the owner of the property located at 139 North Federal Highway. The cross access easement agreement shall be subject to the review and approval of the Town Attorney, and prior to issuance of a BTR for the Vehicle Sales and Rental business upon the Subject Property.
3. The Owner shall remove the non-conforming pole sign.
4. If the Owner or Applicant is requesting a sign on the wall located on the Subject Property, an application for a sign permit that conforms to the Town's signage requirements shall be submitted. The application shall be subject to the review and approval of the Community Development Department.
5. The testing or operation of Jet Ski engines on the Subject Property is prohibited.
6. The garage bay doors on the Subject Property shall remain closed, except when Jet Skis are being moved between the Subject Property's rear yard and the garage.
7. If a Jet Ski requires to be operated or tested outdoors on the Subject Property, it shall be limited such that it is operated or tested by turning it on and off only to ensure it runs. Jet skis must be transported to a body of water for lengthier testing, or test runs.



Site Improvement Schedule for Patching, sealcoat and striping:

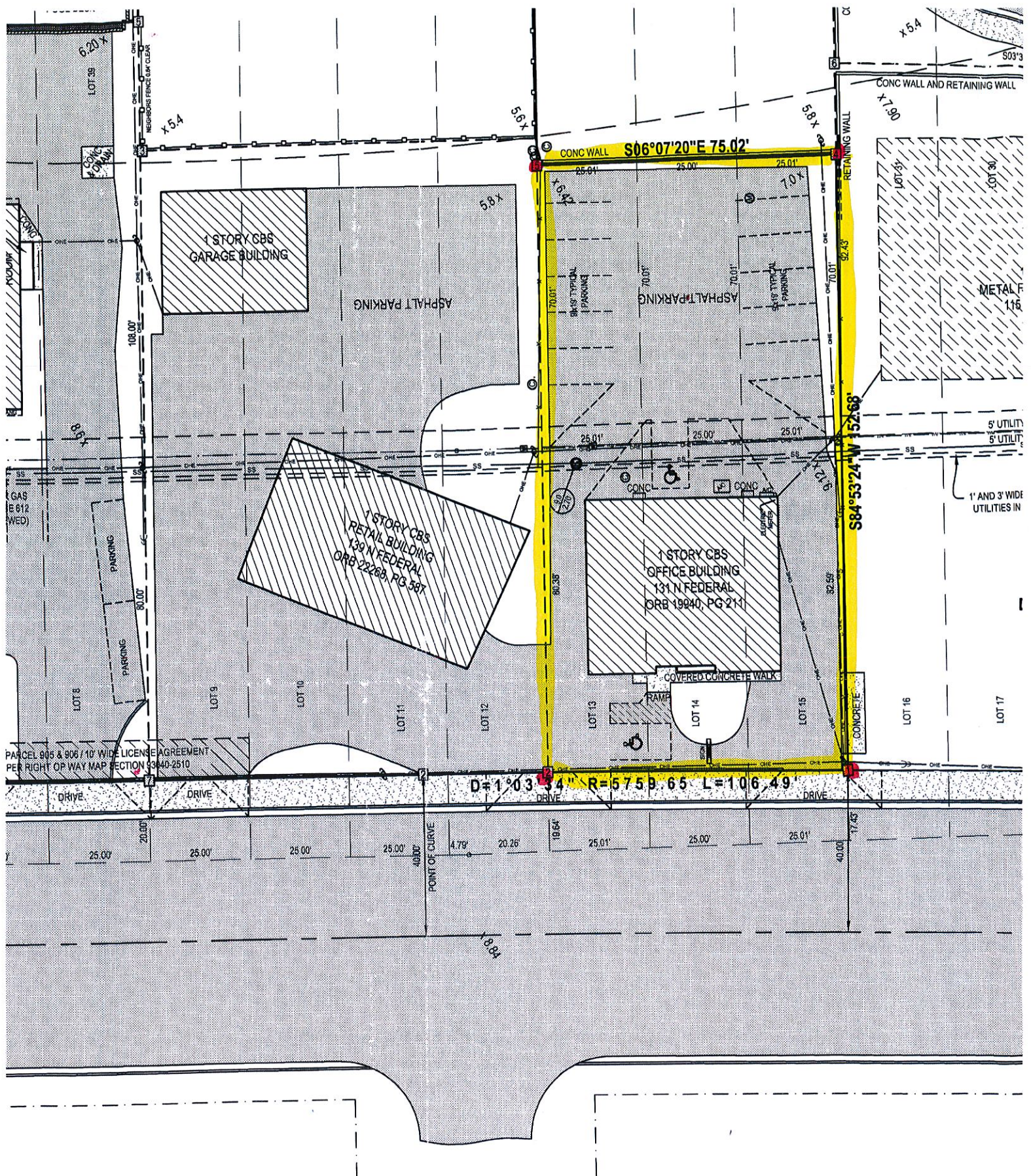
December 15, 2015 - Front and Northern side yard
 January 15, 2016 - Southern side yard and rear yard

Community

JUL 08 2015

SP-1

* survey enclosed *



TA
 Identification
 5988
 LS Inc.
 D 1952

ABBREVIATIONS
 L.B. = Licensed Business

LEGEND
 = Wood Power Pole
 = Concrete Pole









RECEIPT

LEGAL NOTICE OF PUBLIC HEARINGS
TOWN OF LAKE PARK, FLORIDA

Please take notice and be advised that the Planning and Zoning Board will hold a public hearing on **Monday, October 5, 2015, at 7:00 p.m., or as soon thereafter as can be heard**, and the Town Commission will hold a public hearing at the **Town Commission Meeting on Wednesday, November 4, 2015 at 6:30 p.m., or as soon thereafter as can be heard**, in the Town Hall Commission Chambers at Town Hall, located at 535 Park Avenue, Lake Park, Florida, to consider an application for a Special Exception Use to approve a "Vehicle Sales and Rentals" use for the property located at 131 Federal Highway. This application is being brought forward by Mr. Joe Brackney (Agent), who is acting on behalf of Leasing of South Florida, Inc. (Owner). Records related to this item may be inspected at the Community Development Department located at Town Hall.

If a person decides to appeal any decision made by the Planning and Zoning Board, or the Town Commission, with respect to any hearing, they will need a record of the proceedings and for such purpose 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. For additional information, please contact Vivian Mendez, Town Clerk at 561-881-3311.

Town Clerk: Vivian Mendez

PUB: The Palm Beach Post
9-25/ 2015 #485508



Exhibit "B"

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: 11/4/2015

Agenda Item No. Tab 4

Agenda Title: **FISCAL YEAR 2014/2015 BUDGET ADJUSTMENT FOR ABANDONMENT OF EAST JASMINE DRIVE**

- [] SPECIAL PRESENTATION/REPORTS [] CONSENT AGENDA
- [] BOARD APPOINTMENT [] OLD BUSINESS
- [] PUBLIC HEARING ORDINANCE ON ____ READING
- [X] NEW BUSINESS
- [] OTHER: _____

Approved by Town Manager *[Signature]* **Date:** 9-16-15

Blake K. Rane *BKR* **Finance Director**
 Name/Title

Originating Department: <p style="text-align: center;">FINANCE</p>	Costs: See attachment "A" Funding Source: Acct. # [X] Finance ____ BKR ____	Attachments: Resolution, AND Budget Adjustment Itemization (Attachment "A"),
Advertised: Date: _____ Paper: _____ [X] Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _BKR_ Please initial one.

Summary Explanation/Background:

The Town approved the abandonment of East Jasmine Drive and the funds have been received. There currently exists no budget to post the receipt of those funds to, this resolution creates that budget. This item also creates the budget to transfer those funds to the Streets and Roads Fund where they can be used for much needed projects for the Town's infrastructure. Attached is a schedule (Attachment "A") that lists the line items that are to be adjusted for the Town of Lake Park 2014/15 Budget.

Recommended Motion:

I move to adopt Resolution ____-10-15.



Exhibit "C"

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: November 4, 2015

Agenda Item No. *Tab 5*

Agenda Title: Review of the Town Manager Six-Month Performance Evaluations for the Evaluation Period of May 1, 2015 to November 1, 2015

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- PUBLIC HEARING ORDINANCE ON _____ READING
- NEW BUSINESS**
- OTHER: _____

- CONSENT AGENDA
- OLD BUSINESS

Approved by Town Manager *J. D'Agostino* Date: *10/19/15*
Paula McElhannon-Jones

Name/Title
HUMAN RESOURCES DIRECTOR

Originating Department: Human Resources	Costs: \$ -0- Funding Source: Acct. # <input type="checkbox"/> Finance _____	Attachments: Copies of Completed Town Manager Evaluation Forms (<i>THREE RECEIVED AND ATTACHED</i>)
Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone: BMT OR Not applicable in this case _____ Please initial one.

Summary Explanation/Background:

Pursuant to Section 8 of the April 6, 2015 Employment Agreement between the Town of Lake Park and Town Manager John O. D'Agostino, the Commission is required to conduct an initial review of the performance of the Town Manager six (6) months from the effective date of the Agreement. Attached are copies of all of the completed evaluation forms which have been received for the period of May 1, 2015 to November 1, 2015.



Exhibit "D"

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: November 4, 2015

Agenda Item No. *Table*

Agenda Title: A REQUEST FROM THE EVENT ORGANIZER OF THE VETERAN'S DAY CAR SHOW PROPOSED FOR SUNDAY, NOVEMBER 15, 2015 TO ALLOW THE TOWN TO BE A CO-SPONSOR, THEREBY ALLOWING FOR THE WAIVER OF CERTAIN FEES.

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- PUBLIC HEARING - ORDINANCE ON 1ST READING
- NEW BUSINESS**
- OTHER:
- CONSENT AGENDA
- OLD BUSINESS

Approved by Town Manager *Bond Perryman* Date: *10/23/2015*
ACTING TOWN MGR

John D'Agostino / Town Manager
 Name/Title

Originating Department: Town Manager	Costs: \$ 0 Funding Source: Acct. # <input type="checkbox"/> Finance _____	Attachments: → Copy of Special Event Permit Application
Advertised: Date: <i>N/A</i> Paper: <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone <u>JD</u> or Not applicable in this case ____ Please initial one.

Summary Explanation/Background:

A special event permit application was submitted by Mike Scott on behalf of himself and the Town (being represented by Kathleen Carroll Walters, Parks and Recreation Director) on October 2, 2015 to the Community Development Department. The permit application is proposing the annual Veteran's Day Car Show event to be held in Lake Shore Park on Sunday, November 15, 2015 from 8am-4pm. Mr. Scott has been working alongside Kathleen Carroll Walters and is requesting that this event be co-sponsored by the Town. It was explained that many years ago, the Town always sponsored this event, but over the years this practice went away. The event is an asset to the Town and the organizer is committed to this community on an annual basis. Co-sponsoring would provide the organizer some relief on our Town application fees; facility rental and deposit fees; as well as Public Works personnel fees. More specifically, as a co-sponsor, the organizer would benefit from the following services and waiver of fees: *(on the following page)*

<u>REQUESTED CATEGORY</u>	<u>VALUE</u> <i>(monetary or other)</i>	<u>DESCRIPTION</u>	<u>TOTAL</u>
Ability to advertise on the Town website; Channel 18; and utilize Town logo	No monetary value	CO-SPONSORING WOULD ALLOW FOR TOWN-RELATED ADVERTISING	N/A
Park Rental Fee and Deposit	\$400 (rental)/\$24 tax/\$500 deposit	CO-SPONSORING WOULD WAIVE THESE FEES	\$924
Signage Permit Application Fee	\$100	CO-SPONSORING WOULD WAIVE THIS FEE	\$100
Special Event Application Fee	\$25	CO-SPONSORING WOULD WAIVE THIS FEE	\$25
Public Works*	See table below	CO-SPONSORING WOULD WAIVE THESE FEES	\$608.46

* *Public Works Fees based on existing personnel:*

20.43 per hour	12 hours	Set-up/take down parking barrier posts along Lake Shore Dr.	245.16
24.39 per hour	12 hours	Set-up/take down parking barrier posts along Lake Shore Dr.	292.68
23.98 per hour	2 hours	Pick up and deliver 95 gallon garbage cans (round trip)	47.96
22.66 per hour	1 hour	Empty extra 95 gallon garbage cans (after event)	22.66

TOTAL WAIVERS IF THE TOWN IS APPROVED TO CO-SPONSOR: \$1,657.46 plus advertising as listed above. As a co-sponsor, the Town's insurance would tie into the event as well.

Recommended Motion: At the Town Commission's discretion.