



**TOWN OF LAKE PARK  
SPECIAL CALL  
PLANNING & ZONING BOARD  
MEETING MINUTES  
JANUARY 12, 2017**

**CALL TO ORDER**

Because Chair Thomas was not present, the Special Call Planning & Zoning Board Meeting was called to order by Vice-Chair Schneider at 7:06 p.m.

**ROLL CALL**

Judith Thomas, Chair	Not Present
Martin Schneider, Vice-Chair	Present
Anthony Bontrager	Excused
Lanae Barnes	Present
Joseph Rice	Present

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

**APPROVAL OF AGENDA**

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

	Aye	Nay
Joseph Rice	X	
Martin Schneider	X	
Lanae Barnes	X	

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

**APPROVAL OF MINUTES**

Vice-Chair Schneider asked for a motion for the approval of the Minutes of the September 12, 2016, Special Call Planning & Zoning Board Meeting. Board Member Barnes made a motion for approval, and the motion was seconded by Board Member Rice. The vote was as follows:

	Aye	Nay
Joseph Rice	X	
Martin Schneider	X	
Lanae Barnes	X	

**The Motion carried 3-0 and the September 12, 2016, Special Call Planning & Zoning Board Meeting Minutes were approved.**

## **PUBLIC COMMENTS**

Vice-Chair Schneider explained the Public Comment procedure.

## **ORDER OF BUSINESS**

Vice-Chair Schneider outlined the Order of Business.

## **NEW BUSINESS**

*Vice-Chair stated that PZ Case 17-001, a Variance Application, has been pulled from the Agenda.*

**1. PZ CASE 17-002: APPLICATION FOR TEXT AMENDMENT – PARK AVENUE DOWNTOWN DISTRICT (PADD) SIGNAGE FOR PARCELS FRONTING 10<sup>TH</sup> STREET**

AN APPLICATION FOR TEXT AMENDMENT WAS SUBMITTED BY RICHARD BERTRAM REQUESTING THAT TOWN CODE SECTION 78-70(P)(1)(I) BE AMENDED TO ALLOW MONUMENT SIGNS IN THE PADD FOR PROPERTIES THAT FRONT 10<sup>TH</sup> STREET.

## **STAFF PRESENTATION – PZ CASE 17-002**

Scott Schultz, Town Planner, addressed the Planning & Zoning Board Members and welcomed new P&Z Board Member Rice upon his first meeting on the Board.

Mr. Schultz stated that the Community Development Department received an Application from Richard Bertram, the owner of Barbie's Place located at the corner of Foresteria Drive and 10<sup>th</sup> Street. The Application requests that the Town amend its Code at Section 78-70(p)(1,) which is the Section covering prohibited signage in Park Avenue Downtown District (PADD).

Mr. Schultz explained the Application is requesting the Town to allow for monument style freestanding signs in the PADD only, for those parcels having a street front frontage on 10<sup>th</sup> Street. The proposed change, if approved, would apply to 935 Foresteria Drive (Barbie's Place); 551 10<sup>th</sup> Street; and 501 10<sup>th</sup> Street, which are the only three (3) parcels which exist outside of Park Avenue within the PADD. Mr. Schultz stated the Application has come forward because freestanding signs are not allowed whatsoever within the PADD. Mr. Schulz stated that Staff evaluated the Application and revisited the intent of the PADD Code, which was designed to promote a mixed-use environment with zero lot lines, as well as a pedestrian friendly environment. He stated that, while not all sites on Park Avenue meet the full intent of the PADD Design Code, Park Avenue is still unified with its enhanced streetscape, which does not exist on 10<sup>th</sup> Street. Mr. Schultz showed visuals of Park Avenue and pointed out the enhanced streetscape; improved sidewalks and crosswalks; traffic calming features; enhanced landscaping; street furniture and pedestrian friendly

elements. In comparison, 10<sup>th</sup> Street lacks the unifying features that are currently present on Park Avenue. Mr. Schultz stated that because the intense streetscape does not extend south of Park Avenue onto 10<sup>th</sup> Street, Staff feels that a freestanding sign is possible for properties having 10<sup>th</sup> Street frontage.

**STAFF RECOMMENDATION**

Staff recommends that Section 78-70(p)(1) be amended to allow the three (3) parcels south of Park Avenue within the PADD which have street frontage on 10<sup>th</sup> Street be allowed to have a freestanding sign for the period of time until the site is redeveloped, at which time they would be required to meet all of the Design Guidelines of the PADD, including no freestanding signs.

**PUBLIC COMMENTS**

There were no public comments.

**BOARD DISCUSSION**

Board Member Rice asked if once the site is redeveloped it would be up to the code with the PADD Guidelines and if this would only apply to these three (3) parcels. Mr. Schultz confirmed. Board Member Rice asked why, for purposes of uniformity, the same sign dimension requirements would not be used on 10<sup>th</sup> Street as in other parts of the Town. Mr. Schultz explained that there are three (3) separate Sign Codes, with the overall Sign Code being Chapter 70, an Overlay District on Northlake Boulevard, and the PADD. Ms. DiTommaso, Community Development Director, added that it would be consistent with what is allowed both north and south of these parcels on 10<sup>th</sup> Street.

Vice-Chair Schneider asked what will happen to the existing sign, to which Mr. Schultz replied the sign will be required to be removed and/or modified, and replaced with a monument sign.

**APPLICANT PRESENTATION**

Mr. Edward Koenig, Agent for the Applicant, addressed the Board and stated they will modify/convert the pole sign to a monument sign.

**BOARD RECOMMENDATION**

Board Member Rice made a motion to approve the Text Amendment Application as presented. The motion was seconded by Board Member Barnes and the vote was as follows:

	<b>Aye</b>	<b>Nay</b>
Joseph Rice	X	
Martin Schneider	X	
Lanae Barnes	X	

The vote was 3-0 in favor of approval of the Text Amendment Application.



NOTE: Chair Judith Thomas arrived at 715 p.m.

2. **PZ CASE 17-003: TOWN INITIATED TEXT AMENDMENTS - SECTION 78-111(B)(1); 78-111(B)(3); AND 78-111(C)(1), RESIDENTIAL FRONT YARD FENCE HEIGHT REQUIREMENTS AND RESIDENTIAL FENCING CORNER LOT REQUIREMENTS**

**STAFF PRESENTATION – PZ CASE 17-003**

Scott Schultz, Town Planner, addressed the P&A Board and stated, for ease of understanding, he will divide this presentation into the three (3) Code Sections:

→ *Section 78-111(b)(1) Front yard fence height requirements for residential structures*

Mr. Schultz stated this first item is of the utmost importance in this Case and Staff recommends approval to move it forward. He explained the Town Code currently allows for a 40” tall fence within the front yard setback of residentially zoned properties. Mr. Schultz explained that the 40” fence height is no longer consistent with industry standards, which local fencing companies doing business within the Town have confirmed as ranging from 42” - 72”. Mr. Schultz stated that because the Code is antiquated, it is causing residents to have custom fences constructed for their properties, which is burdensome both in time and expense, and therefore, the Code needs to be realigned. Mr. Schultz stated that Staff is proposing a fence height of 48”, as conversations with both residents and fence companies generally show interest in the 48” height.

→ *Maximum front yard fence height for multi-family structures only*

Mr. Schultz stated the second item for the Board to consider has come up due to internal discussions regarding front yard fence height for multi-family sites, and Staff is seeking general input from the Board on the matter. Currently, the Code allows for a maximum front yard fence height of 6’ for multi-family sites which are greater than three (3) stories. Mr. Schultz stated Staff is proposing discussion for lowering the multi-family height from three (3) stories to two (2) stories. Mr. Schultz provided visuals to the Board of various locations in Town wherein 6’ fencing currently exists, primarily along Lake Shore Drive and also within the core of the Town.

→ *Landscaping buffer consistency*

Mr. Schultz explained that Staff has revised language relating to landscape buffers setbacks to add more clarity and is proposing to remove “...there shall be a 3’ minimum setback” and replace with “...there shall be a sufficient area for landscaping”; and Staff has further added that the landscaping should be defined as a combination of two landscape elements, whatever the property owner prefers.

## **STAFF RECOMMENDATION**

Mr. Schultz stated Staff is recommending approval of the modification to the Town's Code of Ordinances Section 78-111(b)(1) and 78-111(b)(3), to provide for an increased height limitation for the front yard fences of residential structures, from 40' to 48'; and the approval of the modification of Code Section 78-111(c)(1), clarifying landscape buffer setbacks.

## **BOARD DISCUSSION**

Mr. Schultz answered and clarified questions from Board Member Rice regarding the proposed front yard fence height requirements. Vice-Chair Schneider stated he has no issue with the new proposed 48" front yard fence requirement, which he believes is reasonable. However, he is torn about changing the 4' fence to a 6' fence for a two-story multi-family building because the street frontage should be inviting, and a 6' fence can be uninviting. Vice-Chair Schneider questioned the types of currently allowed fencing. Mr. Schultz responded that Staff has discussed adding language for the requirement of transparency fencing such as rod iron, for example, since wood fencing would provide no visibility. Vice-Chair Schneider asked Staff if multi-family buildings have been requesting 6' front yard fences. Mr. Schultz responded that the issue has come up and discussions have begun internally, so they wanted to bring the issue to the P&Z Board as a discussion item. Board Member Barnes stated she can understand why residents of a multi-family building might desire a 6' front yard fence, however she agrees that it should not be wooden fencing. Board Member Rice stated that three-story multi-family buildings are currently allowed to have 6' wooden fencing, and the stipulations for transparent fencing are not in place and shouldn't the requirements be made across the board. Vice-Chair Schneider agreed and questioned Staff if there are any 3+ story buildings in Town with opaque front fencing. Ms. DiTommaso replied that there are no 3+ story buildings with opaque front fencing. Vice-Chair Schneider summarized that allowing 6' front yard fencing for two-story residential buildings is reasonable, as long as the fencing is transparent, however, if front yard privacy fencing is desired it would only be allowed up to a height of 4'.

Chair Thomas questioned if corner lots with an existing non-conforming chain-link fence abutting the sidewalk were to remove the fence, would they be required to comply with the 3' landscape requirement. Vice-Chair Schneider replied not if the requirement is removed, as is currently being proposed by Staff. Ms. DiTommaso explained the proposed change would provide more flexibility and require a set-back sufficient to include two (2) landscape elements.

Vice-Chair Schneider asked Staff if landscape elements are defined in the Code and suggested a definition for landscape elements be added into the Code.

## **BOARD RECOMMENDATION**

Board Member Rice made a motion to approve the Text Amendment, with transparency requirements and the definition of the landscape elements. The motion was seconded by Board Member Barnes and the vote was as follows:

	Aye	Nay
Joseph Rice	X	
Martin Schneider	X	
Lanae Barnes	X	
Judith Thomas	X	

The vote was 4-0 in favor of approval of the Text Amendment.

**COMMUNITY DEVELOPMENT DIRECTOR COMMENTS**

Ms. DiTommaso, Community Development Director, wished everyone a Happy New Year.

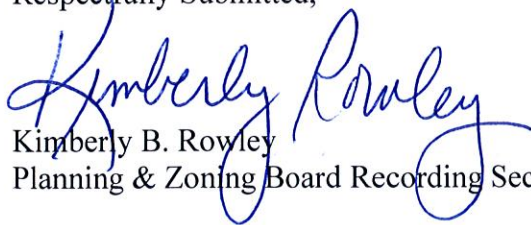
**ADJOURNMENT**

There being no further business before the Board, Vice-Chair Schneider asked for a motion to adjourn. Board Member Riche made the motion and it was seconded by Board Member Barnes. The vote was as follows:

	Aye	Nay
Joseph Rice	X	
Martin Schneider	X	
Lanae Barnes	X	
Judith Thomas	X	

The vote was 4-0 and the Meeting was adjourned by Vice-Chair Schneider at 7:37 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: 2/6/2017