



**Town of Lake Park, Florida
Special Call
Planning & Zoning Board
Meeting Minutes
Monday, July 10, 2017, 7:00 PM**

CALL TO ORDER

Vice-Chair Martin Schneider called the Planning & Zoning Board Meeting to order at 7:00 p.m.

ROLL CALL

Judith Thomas, Chair	Excused Absence
Martin Schneider, Vice-Chair	Present
Lawrence Malanga	Present
Charlemagne Metayer	Present
Joseph Rice	Present

Also in attendance were Town Attorney Thomas J. Baird, Community Development Director Nadia DiTommaso, Town Planner Scott Schultz, and Town Clerk Vivian Mendez.

APPROVAL OF AGENDA

Motion: Board Member Metayer moved to approve the agenda; Board Member Malanga seconded the motion.

Vote on Motion:

Board Member	Aye	Nay	Other
Board Member Malanga	X		
Board Member Metayer	X		
Board Member Rice	X		
Vice-Chair Schneider	X		
Chair Thomas			Absent

Motion passed 4-0.

APPROVAL OF MINUTES

Motion: Board Member Rice moved to the Special Call Planning & Zoning Board Meeting minutes of June 22, 2017; Board Member Metayer seconded the motion.

Vote on Motion:

Board Member	Aye	Nay	Other

Board Member Malanga	X		
Board Member Metayer	X		
Board Member Rice	X		
Vice-Chair Schneider	X		
Chair Thomas			Absent

Motion passed 4-0.

Public Comment

Vice-Chair Schneider explained the Public Comment procedure. There were no public comments.

ORDER OF BUSINESS

The normal order of business for Hearings on agenda items are as follows:

- Staff presentation
- Applicant presentation (when applicable)
- Board Member questions of staff and applicant
- Public Comments – limited to 3 minutes per speaker
- Rebuttal or closing arguments for quasi-judicial items
- Motion on floor
- Vote of Board

NEW BUSINESS:

1. PZ Case 17-001: Amendment to Town Code Section 78-70 Related to the Use of Table; Parking Requirements; and Outdoor Cafes/Courtyards

Vice-Chair Schneider opened the public hearing.

Community Development Director Nadia DiTommaso explained that the agenda item was divided into three (3) parts, which all relate to the Park Avenue Downtown District (PADD) – Town Code Section 78-70 Related to the Use Table; Parking Requirements; and Outdoor Cafes/Courtyards.

She explained that these are exciting times for the Town because for the first time, after over 10 years, the Town, through the efforts of Town Staff, the Town Attorney and the Town Manager, has facilitated the sale of one key downtown building that has sat vacant for over a decade, the 754 Park Avenue building (also referred to as the Park Avenue BBQ building). She explained that we are also in discussions with an interested buyer for the 801 Park Avenue building (known as One Park Place) which has also sat vacant for a decade without a Certificate of Occupancy.

She stated that we are proposing modifications to two existing sections in the PADD, found in Section 78-70 of the Town Code related to the permitted uses and parking requirements, and we are also proposing the creation of an additional section to allow

outdoor cafes and courtyards in certain areas of the public right-of-way under certain circumstances.

The first proposed modification is to the Table that outlines the permitted uses: Table 78-70-1: In this table we are proposing to redefine the Microbrewery Use and include small/large scale Brewery uses as well as BrewPub uses.

NOTES

X = Not Permitted.

P = Permitted, may be subject to additional standards.

C = Conditional Use, Town commission Approval Required.

AA = Administrative Approval Required.

< = Less Than

> = More Than

USE CATEGORY	<1,500 Square Feet	1,501—2,500 Square Feet	>2,500 Square Feet	Additional Standards
Microbrewery				
<u>MICROBREWERY,</u>	C	C	C	15
<u>BREWERY AND</u>	C	C	C	
<u>BREW PUB</u>	P	P	P	

The first (new) proposed use for Table 78-70-1 is for a “Brewpub” which would essentially be a brewing type facility that includes a restaurant or food sales component that constitutes at least 50% of the operation, leaving 50% available for the ‘brewing operations’. An example of this would be the Yard House in Palm Beach Gardens. The second “redefined” use is for a “Microbrewery” whereby 75% of the total gross floor area is available for the ‘brewing operation’ with 25% being dedicated to a restaurant, tasting room or other related retail sales. An example of this would be the Twisted Trunk in Palm Beach Gardens. Finally, the third proposed category is for a full ‘small or large scale brewery’ which shall be permitted to occupy 100% of the space for brewing

operations. In order to diversify the brewing uses in the downtown, all categories are being proposed in Table 78-70-1 however, most of them, with the exception of Brewpubs are being proposed as conditional uses requiring P&Z Board review and Town Commission approval. The proposed regulations also include provisions for loading and unloading, outdoor storage and equipment screening so as to safeguard the interests of surrounding properties. Staff recommends approval of the proposed use changes to Table 78-70-1.

Board Member Rice asked for clarification on whether there would be separate motions for each item or one motion. Attorney Baird suggested that they discuss the items separately.

Vice-Chair Schneider suggested that the purpose language be reduced as follows:

(15) MICROBREWERY, BREWERY AND BREWPUB

I. Purpose.

~~Due to economies of scale in production, distribution, marketing and advertising, national and super-regional breweries have dominated the beer industry for decades. These large-scale production facilities are traditionally assigned to industrial zoning classifications. However, starting in the 1980's, local, independent breweries emerged as a competitive market segment within the beer industry and by the turn of the twenty-first century, the increased demand for small production facilities and mixed-use concepts began to reshape certain expectations about the potential impacts of this land-use type when developed on a smaller scale. The purpose of this section is to recognize the emergence local independent brewery's and increased demand of small production facilities and mixed-use brewery concepts and establish appropriate standards allowing for the typical range of activity while mitigating any undesirable impacts. -of this specialized market segment and establish appropriate standards allowing for the typical range of activities, while mitigating any associated, undesirable impacts.~~

Vice-Chair Schneider asked for clarification regarding the BrewPub language as it relates to more than 50% of revenue from food sales. He felt the language was too stringent unless the assumption was that if they do not meet the criteria that they would be a Microbrewery. He suggested capping the number of barrels for BrewPubs and suggested it be the same as Microbrewery.

He asked for clarification on the following language that was under the Microbrewery section (2-b) The façade of any accessory use(s) shall be oriented toward the street, excluding alleys, and, if located in a shopping center, to the common space where the public can access the use;

Community Development Director DiTommaso explained that the area accessible to the public should be in the front. She agreed to make modification to the language. Board Member Schneider stated that the language in 2-c should be modified as well. Community Development Director DiTommaso agreed.

Board Member Malanga asked for clarification regarding the BrewPub and special events: (4 a). An unlimited number of kegs for special events, the primary purpose of

which is the exposition of beers brewed by brewpubs and microbreweries, which include the participation of at least three such brewers;

Community Development Director DiTommaso explained that the language was intended to promote multiple vendors during a special event. Board Member Malanga asked what happened if a business were doing well and they reached the keg sales maximum early in the year. Community Development Director DiTommaso stated that the suggested language could be incorporated as part of the small brewery use.

Vice-Chair Schneider asked if a definitions section would be included. Community Development Director DiTommaso stated that this would be the section. Vice-Chair Schneider suggested including the definitions in 78-2.

Board Member Rice questioned the loading and unloading operating hours. Community Development Director DiTommaso stated that the operating hours listed was just for loading and unloading. The alcohol sales hours of operation were listed under a different section of the Town Code.

Board Member Metayer asked how the equipment would be screened. Community Development Director DiTommaso explained that the Town Code specifies how the equipment would be screened.

Outdoor Café/Courtyards

Community Development Director DiTommaso introduced the second proposed modification was to create Section 78-70(u) in the PADD Code so as to allow for outdoor cafes and courtyards in the public right-of-way. This proposed Code Section puts in place the Plans and Permitting requirements by Applicants to set in place an outdoor café or courtyard in the public right-of-way.

Sidewalk cafe and courtyard: A sidewalk café or courtyard is a group of tables with chairs and associated articles approved by the Town situated and maintained outside whether on public or private property (excluding interior courtyard seating the intent is to actually include outdoor seats in the parking count) and used for the consumption of food and beverages sold to the public from an adjoining business. All tables and chairs and associated articles must be located within the sidewalk café or courtyard permit area. Sidewalk cafe and courtyards are only allowed when in compliance with this Section. It also establishes the permit and fees associated with the approval of such a use and the schedule for renewal which would align with our fiscal year calendar, along with the required plans needed for an application and the signage allocations limited to a menu board type sign or wall mounted sign to be associated with the outdoor area and which is in line with the signage code currently which allows an A/Frame, menu board type sign along with wall signage allocations....and the requirement that a continuous pedestrian walkway at a minimum 5 foot width must be maintained at all times. Like all applications with associated fees, it also establishes penalty provisions if an applicant does not comply and creates an appeal process, which is standard to denials that may occur. Staff recommends approval of the proposed creation of Section 78-70(u).

Board Member Malanga asked about the walkway in front of the other businesses in the PADD on Park Ave. Community Development Director DiTommaso explained that as long as the business was able to maintain a continuous walkway it was allowable. She explained this would allow for the side street café and courtyards and the front of the private property adjacent wall of those properties. Vice-Chair Schneider expressed concern in an earlier conversation today regarding the main sidewalk on Park Ave and not into the parking lots. He expressed concern regarding the limited outdoor seating of neighboring property. He suggested that the space be limited to 25 % of your gross indoor footage for the outdoor seating. He suggested that language be incorporated for the outdoor furniture once the establishment were closed each day.

Community Development Director DiTommaso introduced the last item as proposing modifications to Section 78-70(o) of the Town Code related to parking requirements in the PADD. In January 2002 through Ordinance 27-2001 (included in your packets), the Town Commission at the time adopted an Ordinance which eliminated the parking requirements in the Park Avenue Downtown District (PADD). This was around the same time that the 754 Park Avenue building was proposed for redevelopment with the same very limited land area that prevented the property from being able to incorporate any significant off-street parking. In an effort to promote redevelopment at the time, the parking requirements were completely eliminated in the PADD, only leaving the loading and of course, ADA parking requirements. However, these amendments did not address the applicability of the Town's General Parking Code currently in Section 78-142 which appeared to have been applied thereafter to all zoning districts including the PADD. While this may have been the best decision at the time in order to promote the (then) redevelopment proposal, downtown parking codes have modernized over the years and there have been many lessons learned by municipalities throughout the nation. More importantly, the PADD should have a specified parking Code as was the original intent for the District when it was created in 1999.

In reviewing a Parking Best Practices report published by the NYC Department of City Planning and the Parking Solutions Manual published by the American Planning Association, staff is proposing amendments to the parking requirements in the PADD so as to clearly define that the Town's *general* parking Code does not apply to the PADD and clearly identify those provisions that do apply to the PADD, provisions that will serve to:

- ➔ allow flexibility in parking
- ➔ maintain and enhance a safe and efficient transportation system that is dependent upon multi-modal types of transportation and shared parking scenarios
- ➔ ensure that a minimum of parking is met without adversely affecting other nearby land uses and surrounding neighborhoods

The purpose of having required parking spaces is to provide enough on-site parking (on a flexible basis because this is a downtown) to accommodate the majority of traffic generated by the range of uses which are currently within the PADD and those that might locate at the various sites/properties over time. While the PADD code may need to be modified several times over the next few months to one year, this is an initial attempt to

better identify parking requirements in the PADD with a goal to provide flexibility and allow for future development and redevelopment to contribute towards the multi-modal mentality. Maximums (parking requirements) instead of minimums will also be considered in the future. Staff recommends approval of the proposed parking amendments to Section 78-70(o) and the additional modifications to Section 78-70(u) for outdoor cafes/courtyards and Table 78-70-1 for the permitted uses to allow for brewery type uses....these amendments would benefit the Downtown as a whole. Both a legal ad was placed in the paper for tonight's meeting and as an added courtesy, each property in the PADD was provided with a courtesy letter by direct mail. I have not received any inquiries on the proposed amendments this evening from any of the owners. A couple of residents in the Town however, visited the Department and expressed their support.

I did have a conversation with our Vice-Chair, acting Chair this evening who brought up some very good suggestions and I am of course open to these as they are discussed this evening, as well as any other comments or questions the Board may have.

Vice-Chair Schneider asked for clarification regarding the inventory list. Community Development Director DiTommaso explained the spreadsheet. He expressed concern with the amount of parking spaces per restaurant. Board Member Rice asked if the outdoor seating was different. Community Development Director DiTommaso stated yes it was calculated differently. Board Member Malanga expressed concern with limiting residential to one space per unit. Vice-Chair Schneider stated that there was a typo in the calculated amount of spaces. Community Development Director DiTommaso stated that she would correct the typo. Vice-Chair Schneider asked for clarification on the amount of spaces being proposed in the future. Community Development Director DiTommaso explained the areas in the PADD that could be constructed to increase the amount of parking for the entire area, not just on Park Avenue.

Board Member Malanga asked if a two-story, parking garage could be structured leaving the Community Garden in place. Community Development Director DiTommaso explained that it could be an option that the Commission could consider. Vice-Chair Schneider asked how the parking spaces would be tracked so that the larger businesses allow the smaller businesses to have parking.

Vice-Chair Schneider closed the public hearing.

Motion: Board Member Rice moved to approve the PZ Case 17-011 Amendments to Town Code Section 78-70 related to the use table; parking requirements; and outdoor cafes/courtyards with modifications; Board Member Malanga seconded the motion.

Vote on Motion:

Board Member	Aye	Nay	Other
Board Member Malanga	X		
Board Member Metayer	X		
Board Member Rice	X		
Vice-Chair Schneider	X		
Chair Thomas			Absent

Motion passed 4-0.

Planning & Zoning Board Member Comments

There were no Board member comments.

Community Development Director Comments

The Community Development Director had no comments.

ADJOURNMENT

There being no further business to come before the Planning & Zoning Board and after a motion to adjourn by Board Member Rice and seconded by Board Member Metayer, and by unanimous vote, the meeting adjourned at 8:03 p.m.

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

Vivian Mendez
Digitally signed by Vivian Mendez
DN: cn=Vivian Mendez, o=Town of Lake
Park, ou=Town Clerk,
email=vmendez@lakeparkflorida.gov, c=US
Date: 2017.08.15 16:25:32 -04'00'

Town Clerk, Vivian Mendez, CMC

Town Seal

Approved on this _____ of _____, 2017