



**Town of Lake Park, Florida
Special Call Planning & Zoning
Board Meeting Minutes
Thursday, November 9, 2017, 6:30 PM**

CALL TO ORDER

Vice-Chair Martin Schneider called the Special Call Planning & Zoning Board Meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE

Vice-Chair Schneider led the Pledge of Allegiance.

ROLL CALL

Judith Thomas, Chair	Excused
Martin Schneider, Vice-Chair	Present
Lawrence Malanga	Present
Charlemagne Metayer	Excused
Joseph Rice	Present
John Linden (1 st Alternate)	Present

Also in attendance were Community Development Director Nadia DiTommaso, Assistant Town Attorney Jamie Gavigan, and Assistant to the Community Development Director Kimberly Rowley.

APPROVAL OF AGENDA

Vice-Chair Schneider suggested reorder the agenda items so that item number 2 be heard before item 1.

Motion: Board Member Rice moved to approve the reorder of the agenda; Board Member Linden seconded the motion.

Vote on Motion:

Board Member	Aye	Nay	Other
Board Member Linden	X		
Board Member Malanga	X		
Board Member Metayer			Absent
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.

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 – SITE PLAN APPLICATIONS:

Community Development Director DiTommaso asked if she could present both the variance and site plan items at the same time, with the Board taking action on each item separately. The Board agreed. She explained that the items were Quasi-Judicial Public Hearings therefore the Board would need to disclose any Ex-Parte Communication.

Ex-Parte Communication Disclosure:

Vice-Chair Schneider disclosed that he spoke with staff yesterday.

Board Member Rice had no disclosures.

Board Member Linden had no disclosures.

Board Member Malanga had no disclosures.

2. A Variance request submitted by H&L Planning & Development Consultants on behalf of Coston Marine Services, LLC. to reduce the western landscape buffer along 15th Street on the south side of Watertower Road from 15 feet to 12 feet.

Community Development Director Nadia DiTommaso explained the item (see Exhibit "A"). She stated that the applicant was working with Seacoast Utilities on the water/sewer application, which was not provide to staff yet. She explained that there were two additional conditions of approval. First was the additional landscaping, and the items not being stacked above the fence for the outdoor storage area (condition 14 and 15 of the site plan).

Mr. James Hackett with H&L introduced himself, agreed with all the conditions of approval and was available to answer questions.

Board member Linden asked what type of vehicles would be repaired on-site. Mr. Hackett stated that trucks, small generators, and other small equipment would be repaired on-site.

Mr. Hackett apologized for not having the Seacoast Utilities documentation that was added as a recommendation of approval. He stated that Mr. Coston has signed and paid the fees, but the documentation has not been returned from Seacoast thus far.

Board Member Malanga asked if the chain link fence was plastic coated black plastic. Mr. Hackett stated "yes".

Vice-Chair Schneider was unable to locate in the Town Code where it states that the accessory use setback requirement was 25 feet. Community Development Director DiTommaso stated that she was unable to find the language in the Town Code either. She stated that the setback for that side of the property was about 12 feet. Vice-Chair Schneider asked if any other variances for landscape buffers have been granted in that area. Community Development Director DiTommaso was unable to locate any other than the administrative ones. Vice-Chair Schneider suggested adding that any maintenance be performed inside. He also suggested that the issues with Seacoast be resolved before the item was heard by the Commission.

Public Comment open:

None

Public Comment closed:

The Board members had no further questions of staff or the applicant. Vice-Chair Schneider listed the four criteria's he felt were not met: (see Exhibit "A").

Criteria number 1) other properties with the same conditions in the area that have fronts on multiple roads met the requirement and felt it was not a peculiar piece of property. The cut off in the Town Code was one-acre therefore; it should be cut-off at one-acre to meet the landscape buffer requirements.

Criteria number 2) the site plan was the action of the applicant and the landscape buffer was not met, therefore; that criteria was not met.

Criteria number 4) the site could be developed to fit and still meet the landscape buffer; therefore; that criteria was not met.

Criteria number 5) the buffer can be met therefore; that criteria was not met.

Board member Rice asked for clarification regarding the perspective that the property was not meeting the requirements of landscape, when that was the cause for the request for a variance. Vice-Chair Schneider explained that the property was larger than one-acre therefore they should meet the landscape buffer requirement. Some discussion ensued for clarification purposes of the request of variance. Vice-Chair Schneider suggested that the project could be shifted over by three-feet to fit the Town Code. Board member Rice asked staff how the cut-off of one-acre was reached. Community Development Director

DiTommaso explained that the discussion began with a different property in the same area and when reviewing the Town Code it was decided that Flexible Development Standards were necessary, which applies to landscaping, parking, setbacks and various land development regulations and one-acre was chosen during that process.

Board member Rice asked the applicant if the shifting of the property by three-feet would interfere with doing business. Mr. Hackett stated that it was difficult to say if shifting the building by three-feet would affect the business. He explained what the application was originally requesting compared to what it was requesting now.

Motion: Board Member Rice moved to approve the variance and that the applicant met all seven criteria requirements; Board Member Linden seconded the motion.

Vote on Motion:

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

Motion passed 3-1.

1. A site plan application submitted by H&L Planning & Development Consultants on behalf of Coston Marine Services, LLC. for the construction of a 6,316 square foot building at the southeast corner of Watertower Road and West 15th Street.

Vice-Chair Schneider recapped earlier discussion regarding all maintenance taking place indoors.

Motion: Board Member Rice moved to approve the site plan with staff conditions regarding maintenance, that the Seacoast application issue being in communication with staff resolved regarding the fence as well; Board Member Malanga seconded the motion.

Vote on Motion:

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

Motion passed 4-0.

Planning & Zoning Board Member Comments


Board member Malanga asked that the issue regarding the one-acre be reviewed. Community Development Director DiTommaso will report the finding on the issue back to the Board.

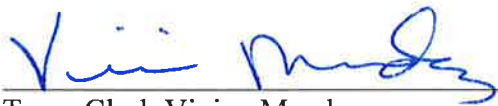
Community Development Director Comments

Community Development Director DiTommaso announced that she would be out of the office until November 27, 2017 and Kim Rowley would be available to answer questions in her absence.

ADJOURNMENT

There being no further business to come before the Planning & Zoning Board; the meeting adjourned at 7:14 p.m.


~~Judith Thomas, Chair~~ *Martha Schneider, vice chair*
Town of Lake Park Planning & Zoning Board


Town Clerk Vivian Mendez



Approved on this 19 of December, 2017

PART I: APPLICATION FOR A SITE PLAN

The Site Plan has been reviewed by:

- The Town’s consulting Engineers, Design Architect and Landscape Architect
- Community Development Department
- Public Works Department
- Palm Beach County Sheriff’s Office for Crime Prevention through Environmental Design (CPTED)
- Seacoast Utilities
- Palm Beach County Fire

SITE PLAN PROJECT DETAILS:

Building Site: The subject property is comprised of four parcels that total 1.265 acres, which are located on the south side of Water Tower Road between 14th and 15th Street. One of the parcels was subject to a code violation for outdoor storage and part of the Final Order Finding Violation executed by the Town’s Special Magistrate for this code compliance matter, required the owner to build out the site (with appropriate approvals) so as to introduce an approved use to the site.

Site Access: Three access points are proposed for the site: one along 15th Street, one along Watertower Road and one along 14th Street.

Traffic: The Department has received a letter from Palm Beach County’s Traffic Division dated 1/26/17 confirming that there is adequate capacity on the roadways to serve the Site.

Setbacks: All proposed setbacks are compliant with code requirements of the CLIC Zoning District.

	Required	Proposed
Front	25’	67’
Rear	20’	62’
Side (East)	10’ or 12’ & 2’	106.6’
Side (West)	10’ or 12’ & 2’	61.3’

Landscaping: The Site Plan meets the Town’s Landscaping Code per the Town’s consulting landscape architect with the exception of the western proposed landscape buffer width, for which a variance is requested.

A variance is requested for a 3’ reduction to the western landscape buffer from the required 15’ down to 12’. Details of this request are covered in more detail under Section II of this report.

Paving/ Grading/ Drainage: The Town’s consulting engineer has reviewed the Applicant’s Paving, Grading and Drainage Plans and has determined that it meets the engineering requirements for drainage.

Parking: Pursuant to Section 78-145(h), the site is required to provide 5 spaces inclusive of 1 ADA stall. The applicant is proposing 18 spaces inclusive of 1 ADA stall as the breakdown below illustrates:

	Required	Proposed
Customer Area (area accessible by customers) (Reception 144 s.f.) (Conf. room 192 s.f.) – 1 per 250sf Total 336	1 space	13 spaces
Warehouse (3,003 s.f.)-1 per 2,000sf	2 spaces	3 spaces
Employees (2 Total)	2 spaces	2 spaces
TOTAL	5 Spaces (inclusive 1 ADA)	18 Spaces (inclusive 1 ADA)

Section 78-145(h)
Office warehouse.

- (1) Customer parking. Four spaces for each 1,000 square feet of gross floor area of office, plus one space for each 2,000 square feet of gross floor area of warehouse, or fraction thereof.
- (2) Employee parking. One space for each employee on the shift of greatest employment.

Signage: The applicant is proposing three wall signs pursuant to elevations Sheet A2.01. Signs will be reviewed and permitted separately from the site plan application.

Photometric (Lighting): Meets the minimum requirements in the Town code.

Screening: The applicant proposes vinyl coated chainlink fence around the outdoor accessory storage area, which is **not** compliant with regulations of the CLIC zoning district (condition of approval #14 is applicable to this item – see Section III).

Pursuant to Section 78-75(2)(e), accessory uses including the outdoor storage or any article or material shall be screened by ornamental walls and fences and in no case shall materials be stacked or stored so as to exceed the height of the screen.

- Visual screening is typically accomplished by using a combination of heavy landscaping in the landscape buffers and use of mesh fencing fabric for additional concealment.

Zoning The proposed use of “office warehouse” with accessory outdoor storage is permitted by right in the CLIC zoning district.

Water/Sewer: At the time of this report, the applicant is securing confirmation of approval by Seacoast Utilities. An update shall be provided in staff’s presentation to the Board.

Design: The proposed Elevations for the office warehouse meets the Town’s Architectural Guidelines.

- An additional design element is recommend around the garage door that is located on the front (northern) façade, which faces Watertower Road. This may be accomplished with a stucco band to further enhance the area around this door opening.

Fire: PBC Fire will be reviewing the plans in greater detail as part of the building permit review process, but their preliminary review comments have been addressed by the applicant.

PBSO: The Crime Prevention through Environmental Design (CPTED) review was performed by the Palm Beach Sheriff’s Office (PBSO) and the applicant has addressed their questions satisfactorily.

PART II: ANALYSIS OF VARIANCE REQUEST

A variance request to Section 78-253(h)(1) to reduce the western landscape buffer from 15' to 12'

Below are listed the seven (7) variance criteria from Code Section 78-185 for which all must be met before a variance can be granted.

CRITERIA 1: That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

Special conditions and circumstances do exist on this property because of its size and the fact the combined parcel size is just over 1 acre at 1.265 acres. In 2016, the Town developed flexible development standards for parcels under 1 acre in size. These standards, codified in Town Code Sections 78-320 through 78-327, provided for reductions in certain land development regulations, including landscaping, for smaller parcels. While the flexible regulations did not envision parcels with three street frontages, this proposal has a site of just over 1 acre with three street frontages which staff considers a special circumstance making it eligible for a reduction in buffer width from 15 feet to 12 feet.

CRITERIA MET

CRITERIA 2: That the special conditions and circumstances do not result from the actions of the applicant.

The parcel sizes were pre-determined before the owner purchased them.

CRITERIA MET

CRITERIA 3: That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings or structures in the same zoning district.

Other parcels of smaller sizes are able to take advantage of flexible development standards and do not necessarily take into account multiple street frontages when making them eligible for these reductions. The subject site has three street frontages and is just over 1 acre. Staff considers this sufficient justification to bring this proposal in line with the flexible standards envisioned by the Code, but for the fact that it cannot be approved administratively and must be accomplished through a variance process.

CRITERIA MET

CRITERIA 4: That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter, and would work unnecessary and undue hardship on the applicant.

Literal interpretation of the code will reduce the buildable area even further when considering that if the parcel were sized under 1 acre it would be eligible for a 20% reduction of all landscape buffers. The request for one landscape buffer width reduction of 20% is reasonable and in line with development rights commonly enjoyed by other properties given the nature of the proposal.

CRITERIA MET

CRITERIA 5: That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

The requested variance is for one landscape buffer width. All other requirements are being met.

CRITERIA MET

CRITERIA 6: That the granting of the variance will be in harmony with the general intent and purpose of the land development regulations of the Code, and that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Granting of a variance is in harmony with the general intent of the code and will not be injurious to the area involved since the applicant is providing a 12' landscape buffer along this western perimeter.

The provision of a 12' western landscape buffer, although reduced, will still meet the intent of the code and the minimal reduction in width will likely be unnoticeable once fully landscape and is therefore not injurious to the area.

CRITERIA MET

CRITERIA 7: That the variance would not be contrary to the comprehensive plan of the town.

The requested variance is not contrary to any goals or policies of the comprehensive plan.

CRITERIA MET

Summary of Consistency with Criteria for variance request

		Consistent	Inconsistent
1.	Special Conditions	X	
2.	Actions of the Applicant	X	
3.	Special Privilege	X	
4.	Literal Interpretations	X	
5.	Minimum Variance	X	
6.	Public Interest	X	
7.	General Harmony	X	

Staff recommends **APPROVAL** of the variance request to reduce the western buffer width from 15 feet to 12 feet.

PART III: STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the Site Plan for the 6,316 square foot office warehouse, **subject to the following conditions:**

1. The Applicant shall develop the Site consistent with the following Plans:
 - a. Site Plan, Architectural Plan, Landscape Plan, Irrigation Plans, Civil Plans and Photometric Plan referenced as Sheets SP1, LP-1, LP-2, IR-1, IR-2, PHM1, PHM2, A1.01, A2.01, A2.01, C1, C-2, C-3, C-4, C-5, C-6, C-7, C-8 received and dated by the Department of Community Development on 11/01/17 and signed and sealed on 8/10/17 and 8/14/17.
 - b. Survey prepared by Magellan Surveying & Mapping, Inc. that is signed and sealed dated 10/5/16 and received by the Department of Community Development on 8/15/17.
2. The Owner, the Applicant and their successors and assigns shall be subject to the Development Order and all conditions.
3. Construction on the Site is permitted only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, except holidays, unless otherwise approved in writing by the Community Development Director. Any proposed disruption to the normal flow of traffic within the right of way of Watertown Road, 14th Street and 15th Street, or surrounding street and parking areas as part of the construction of the Site, shall also be subject to the review and approval of the Community Development Director and Public Works Director.
4. All landscaping as shown on the Site Plan and the Landscaping Plan shall be continuously maintained from the date of the issuance of the Certificate of Occupancy by the Owner. The Owner shall replace any and all dead or dying landscape material so as to maintain the quantity and quality of the landscaping shown on the approved Site Plan and Landscaping Plan.
5. The hedge material proposed for the perimeter of the Site which serves to align the parking areas, shall be maintained at a minimum four foot height.
6. The Owner shall ensure that any and all contractors use commonly accepted practices to reduce airborne dust and particulates during construction on the Site.
7. The dumpster shall be screened as noted on the Site Plan and kept closed at all times. All dumpsters shall be acquired from the approved franchise supplier for the Town of Lake Park.
8. Prior to issuance of the Certificate of Occupancy, the Owner or Applicant shall provide certification from the Landscape Architect of record that the plant installations on the Site are in accordance with the approved Site and Landscaping Plans.

9. Prior to the issuance of any building permits, the Owner or Applicant shall submit copies of any other permits required by other agencies, including but not limited to Palm Beach County Health Department, Palm Beach County Land Development Division, South Florida Water Management Division and the State of Florida Department of Environmental Protection.
10. Any revisions to the approved Site Plan, Landscape Plan, architectural elevations, signs, Statement of Use, photometric plan, or other detail submitted as part of the Application, including, but not limited to, the location of the proposed improvements or additional, revised, or deleted colors, materials, or structures, shall be submitted to the Community Development Department and shall be subject to its review and approval.
11. The Owner shall initiate bona fide and continuous development of the Site within 18 months from the effective date of this Development Order. Once initiated, the development of the Site shall be completed within 18 months. Failure to do so shall render the Development Order void.
12. Cost Recovery. All professional consulting fees and costs, including legal fees incurred by the Town in reviewing the Application and billed to the Owner shall be paid to the Town within 10 days of receipt of an invoice from the Town. The failure of the Applicant to reimburse the Town within the 10 days from the town's mailing of its invoice will result in the suspension of any further review of plans or building activities, and may result in the revocation of the approved Development Order. A certificate of occupancy will not be issued if invoices are outstanding.
13. The Applicant shall submit an application to replat the Site, or establish an unity of title prior to commencing construction.
14. Pursuant to Section 78-75(2)(e), accessory uses including the outdoor storage of any article or material shall be screened by ornamental walls and fences. Materials shall not be stacked or stored so as to exceed the height of the screen.
15. Equipment, vehicles or any type of storage items that are visible from any Right-Of-Way or adjacent property are prohibited from being located in the accessory storage yard. This includes any vehicles such as cranes, excavators or other machinery having moveable appendages.