



**TOWN OF LAKE PARK
PLANNING & ZONING BOARD
MEETING AGENDA
MARCH 2, 2015
7:00 P.M.
535 PARK AVENUE
LAKE PARK, FLORIDA**

PLEASE TAKE NOTICE AND BE ADVISED: If any interested person desires to appeal any decision of the Planning & Zoning Board with respect to any matter considered at the Meeting, such interested person 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. Persons with disabilities requiring accommodations in order to participate in the Meeting should contact the Town Clerk's Office by calling (561) 881-3311 at least 48 hours in advance to request accommodations.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

Judith Thomas, Chair	<input type="checkbox"/>
Erich Von Unruh, Vice-Chair	<input type="checkbox"/>
Michele Dubois	<input type="checkbox"/>
Martin Schneider	<input type="checkbox"/>
Ludie Francois	<input type="checkbox"/>

APPROVAL OF AGENDA

APPROVAL OF MINUTES

- Planning & Zoning Board Meeting Minutes of February 2, 2015

PUBLIC COMMENTS

Any person wishing to speak on an agenda item is asked to complete a Public Comment Card located in the rear of the Commission Chambers, and provide it to the Recording Secretary. Cards must be submitted before the agenda item is discussed.

ORDER OF BUSINESS

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

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

NEW BUSINESS

A. SITE PLAN APPLICATION PROPOSING THE AMENDMENT OF THE EARL STEWART TOYOTA PLANNED UNIT DEVELOPMENT (PUD) TO EXPAND ITS BOUNDARIES IN ORDER TO ACCOMMODATE A 3-PHASE EXPANSION FOR THE SPECIAL EXCEPTION USE OF A VEHICLE SALES ESTABLISHMENT. *CONTINUED FROM THE FEBRUARY 2, 2015, MEETING*

COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

ADJOURNMENT

(site plan package)
* plans available
in the Community Development
Department *



**TOWN OF LAKE PARK
PLANNING & ZONING BOARD
MEETING MINUTES
FEBRUARY 2, 2015**

CALL TO ORDER

The Planning & Zoning Board Meeting was called to order by Chair Judith Thomas at 7:06 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Judith Thomas, Chair	Present
Erich Von Unruh, Vice-Chair	Absent
Michele Dubois	Excused
Martin Schneider	Present
Ludie Francois	Present

Also in attendance were Thomas Baird, Town Attorney; Nadia DiTommaso, Community Development Director and Vivian Mendez, Town Clerk/Recording Secretary.

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

	Aye	Nay
Judith Thomas	X	
Erich Von Unruh		
Michele Dubois		
Martin Schneider	X	
Ludie Francois	X	

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

APPROVAL OF MINUTES

Chair Thomas requested a motion for the approval of the November 17, 2014, Planning & Zoning Board Meeting Minutes as submitted. Board Member Schneider made a motion for approval (with noted grammatical changes which were provided to the Community Development Director) and it was seconded by Board Member Francois. The vote was as follows:

	Aye	Nay
Judith Thomas	X	
Erich Von Unruh		
Michele Dubois		
Martin Schneider	X	
Ludie Francois	X	

The Motion carried 3-0, and the Minutes of the November 17, 2014, Planning & Zoning Board Meeting were approved with noted grammatical changes.

PUBLIC COMMENTS

Chair Thomas reviewed the Public Comments procedure.

ORDER OF BUSINESS

Chair Thomas outlined the Order of Business.

NEW BUSINESS

- A. A SITE PLAN APPLICATION FOR THE SPECIAL EXCEPTION USE OF A RACETRAC GAS STATION WITH A 5,928 SQUARE FOOT CONVENIENCE STORE WITHIN THE CONGRESS BUSINESS PARK PLANNED UNIT DEVELOPMENT**

STAFF PRESENTATION

The Recording Secretary swore in all witnesses speaking on behalf of Racetrac.

Nadia DiTommaso, Community Development Director, addressed the Board and stated that this Application is for the RaceTrac gas station and convenience store, and read into the record: *A Site Plan Application for the Special Exception Use of a RaceTrac Gas Station with a 5,928 square foot convenience store within the Congress Business Park Planned Unit Development*, which she will refer to as the PUD. The Applicant is RaceTrac Petroleum LLC, and the owner is Congress Avenue Properties. The general location of the proposed site is on the northeast corner of the Park Avenue Roadway Extension and Congress Avenue and is within “Tract B” of the Congress Business Park PUD. Ms. DiTommaso reminded the Board that the PUD was recently approved along with the ALDI grocery store within the PUD. The Site has a PUD Designation with an underlying C-2 Zoning District designation which allows for gasoline and other motor fuel stations as a special exception use, and is within the Commercial/Light Industrial Future Land Use Designation.

Ms. DiTommaso stated that Staff has reviewed the Application for certain criteria, as outlined within the Staff Report: consistency with the Town Comprehensive Plan; consistency with the six (6) Special Exception Use Criteria; and consistency with the Building Land Development Regulations, all of which have been met.

Ms. DiTommaso presented a visual and reviewed the following project detail categories:

Building Site: The Site is within “Tract B” of the Congress Business Park PUD, with a 20-pump gas station.

Site Access: The Site has two entrances and exits - one is on the east side of the Site at the southeast corner of the Park Avenue West extension and the PUD’s internal road network. The other is on the north side of the Site where vehicles will access the PUD’s internal road network between the Site and Tract F (the recently approved as an ALDI grocery store).

Traffic: The Applicant has received a letter from Palm Beach County’s Traffic Division which confirms that there is adequate capacity on the roadways to serve the Site.

Landscaping: The Site Plan meets the Town’s Landscaping Code regulations per the Town’s consulting landscape architect review, and is consistent with the Congress Avenue PUD’s Landscaping Master Plan.

Drainage: The Town’s Engineer has reviewed the Applicant’s Paving and Drainage Plan and has determined that it meets the engineering requirements for drainage.

Parking: Code requires 4 spaces per 1,000 square feet of the pump area, plus an additional 5 spaces per 1,000 square feet for the convenience store, which totals 31 spaces. The Applicant is proposing 34 spaces, inclusive of 2 ADA spaces, which exceeds the minimum number of parking spaces required by the Code.

Signage: The Applicant’s proposed Master Signage Plan is consistent with the Town’s Sign Code and the previously approved PUD Master Signage Plan. The Applicant is proposing a wall sign above the main entrance on the front wall facing Congress Avenue, and an additional wall sign along the side entrance on the south side, facing the Park Avenue Extension Road. One canopy and one monument sign are proposed for the purpose of displaying gas prices. Awning signage is not being proposed. All of the proposed signs are consistent with the PUD Signage Regulations and Code, and will be subject to the Town’s Signage Permit Regulations.

Zoning: Gas stations are Special Exception Uses in the C-2 Zoning District, and the Application does meet the six (6) special exception use criteria as outlined within the Staff Report.

Water/Sewer: Seacoast Utilities Authority (SUA) has determined that the Applicant has reserved sufficient water capacity to serve the Site. Drainage permits are required prior to the issuance of building permits per SUA.

Design/Architecture: The proposed Elevations for the convenience store building and gasoline pump canopy meet the Town’s Architectural Guidelines as well as the architectural guidelines established by the PUD. The Applicant has incorporated design features for the building which

are consistent with the intent of the Code and the previously approved PUD. Ms. DiTommaso pointed out the various architectural elevations of the site.

Fire: Palm Beach County Fire Rescue has completed its preliminary review of the proposed Site Plan and has no comments at this time. PBC Fire will be reviewing the plans in greater detail as part of the building permit review process.

Lighting: The Photometric Plan does meet Town Code requirements as proposed.

PBSO: The Crime Prevention Through Environmental Design (CPTED) review was done by the CPTED Certified Town Planner, rather than the Palm Beach Sheriff's Office (PBSO). The Applicant incorporated many of the recommendations and there are no additional concerns at this time.

STAFF RECOMMENDATION

Ms. DiTommaso stated that Staff is recommending approval of the Site Plan and Special Exception Use of a gas station with a 5,928 square foot convenience store to be located on Tract "B" of the Congress Business Park PUD, subject to Conditions 1-18, most of which are standard conditions for the PUD. Ms. DiTommaso read Condition No. 3 into the record as follows: *The site shall incorporate stamped concrete ground treatment around active entrances to the building so as to be consistent with the entrance design of the previously approved ALDI grocery store within the PUD.* Ms. DiTommaso stated she is open for questions and/or comments and the Applicant is present.

APPLICANT PRESENTATION

Mr. Gary Brandenburg addressed the Board and stated that he is representing RaceTrac LLC. Mr. Brandenburg stated that RaceTrac is very pleased to present to the Town the RaceTrac gas station and convenience store which will be an excellent addition to the Town. Mr. Brandenburg stated that RaceTrac agrees with all of Staff's recommendations and Conditions, including Condition No. 3 which was read into the record. He introduced Mr. Dan Brown who is present representing RaceTrac and is available to answer any questions of the Board.

Dan Brown of RaceTrac Petroleum addressed the Board and stated he will give a very brief presentation and provide background on RaceTrac. Mr. Brown stated that Staff reviewed the site plan very thoroughly, and pointed out a standard rendering of the building and canopy, and stated that the signage and towers would be slightly different than shown on the rendering. Mr. Brown stated that the landscaping would actually be much more extensive than depicted on the rendering. Mr. Brown stated that RaceTrac has been family-owned for 75 years with 450 stores in the Southeast and 150 stores in Florida. Each store is owned and maintained by RaceTrac and are not leased. The interior and exterior will be maintained by RaceTrac, including landscaping. Mr. Brown showed a site specific rendering which has been customized to meet the Town's Architectural Guidelines. He showed an interior rendering and explained offerings of foods and coffee, etc. in a family-welcoming atmosphere, with outdoor seating available.

Chair Thomas asked if there is a need for two separate motions, one for the site plan and one for the special exception use. Ms. DiTommaso explained that if the recommendation is the same, the site plan and special exception can be approved with one motion.

BOARD MEMBER DISCUSSION

There were no comments from Board Member Francois.

Board Member Schneider asked the Community Development Director about public notification for this Application. Ms. DiTommaso responded that public notification was given for a 300' radius of the site and she had not received any replies from residents. He noted that the site plan did not have a good context map as it does not show the Army Complex to the south and suggested that it might be helpful to have an improved map before moving forward to the Town Commission. Board Member Schneider questioned the minimum open space and green space requirements for the site. The Community Development Director responded that Town Code does not delineate a percentage, but that all of the landscaping requirements for the site have been verified and met. He also noted that there appears to be a lot of pavement on the site, specifically the area behind the building which is not designated, but could possibly be for loading, and asked if it might be redesigned to provide for more green space and less pavement in the back, as well as to indicate where the loading area will be located. Mr. Brown responded the area is for truck turn/auto turn movement on the site and that it is the minimum size for moving trucks in and out. Board Member Schneider stated there is a lot of sod in the dry retention areas and asked if additional groundcover could be added around the dry retention areas in order to reduce the amount of sod on site. He noted that the building looks like a two story building though it is a one-story building and asked if this is the standard design and how the height compares to the ALDI grocery store. Ms. DiTommaso stated that the building sizes are comparable. Board Member Schneider verified the monument sign is set back 5' from the right-of-way and is 10' in height which is the maximum allowed for the area. He stated that surrounding signs in the area don't appear to be as large and do not have LED letters. He questioned the size of the LED letters on the sign and recommended that the size of the LED letters for the gas price be brought down from 28". Board Member Schneider recommended that the base of the monument sign be increased from 1' to 2' and bring the LED price size letters down. Board Member Schneider questioned the material of the yellow awnings. The Applicant stated that the awnings are vinyl with metal framing. Board Member Schneider pointed out the Code does not allow for backlit awnings and Ms. DiTommaso responded that the final signage packet addressed this issue and that the awnings will not be backlit. Board Member Schneider noted there is a blue LED strip across the entire canopy and stated that since the site is across from a residential area it might be too bright and is not needed. He recommended that the proposed LED striping not be allowed on the awning, as well as a condition for no awning signage in the future since there is adequate signage on the building.

Chair Thomas asked the height of the canopy to which the Applicant responded 18'. She questioned where the refueling trucks will enter the site and where the refueling tanks are located on the site. The Applicant stated that the refueling trucks will most likely enter off of Congress Avenue due to the location of the tanks.

PLANNING & ZONING BOARD RECOMMENDATION

Chair Thomas noted that there were no Public Comment Cards for the RaceTrac Project and upon verifying the format of the motion with the Town Attorney, Chair Thomas asked for a motion from the Board.

Board Member Schneider made a motion for the approval of the Site Plan and Special Exception Use of a RaceTrac Gas Station with Conditions 1-18 as recommended by Staff, as well as the following additional Conditions: 1) no awning signs be allowed 2) the blue stripe on the canopy will not be LED; 3) the LED gas price letter height shall be reduced to 20" from 28"; 4) the stone base of the monument sign shall be increased to a minimum of 2', and 5) additional groundcover shall be added around the dry retention areas to reduce the sod. The motion was seconded by Board Member Francois, and the vote was as follows:

	Aye	Nay
Judith Thomas	X	
Erich Von Unruh		
Michele Dubois		
Ludie Francois	X	
Martin Schneider	X	

The Motion carried 3-0, and the Site Plan and Special Exception Use of a RaceTrac Gas Station with a 5,928 square foot convenience store within the Congress Business Park Planned Development were approved with Conditions 1-18 as recommended by Staff, as well as five (5) additional recommended Conditions.

B. SITE PLAN APPLICATION PROPOSING THE AMENDMENT OF THE EARL STEWART TOYOTA PLANNED UNIT DEVELOPMENT (PUD) TO EXPAND ITS BOUNDARIES IN ORDER TO ACCOMMODATE A 3-PHASE EXPANSION FOR THE SPECIAL EXCEPTION USE OF A VEHICLE SALES ESTABLISHMENT

STAFF PRESENTATION

Chair Thomas noted that there are actually three items being requested by the Applicant: an Amendment to the PUD to expand its boundaries; a site plan approval and a special exception. Ms. Di Tommaso clarified that the Site Plan is being presented with a Special Exception Use of a vehicle sales establishment therefore, these two items could be motioned together. While the boundary change (rezoning) is treated as an Ordinance at the Town Commission level, it has been incorporated into the staff report and will be presented concurrently for the Planning & Zoning Board.

Nadia DiTommaso, Community Development Director, addressed the Board and stated this Application is for the existing Earl Stewart Toyota dealership located at 1215 South Federal

Highway and the south property located at 1017 Federal Highway. Ms. DiTommaso provided a visual and reviewed the history of the overall site as contained within the Staff Report:

The Earl Stewart Toyota vehicle sales dealership was constructed in the mid to late 1970's on 4.47 acres of property with the address of 1215 North Federal Highway. The original development of the Site also included a 14,200 square foot Park Center Hardware store. The old dealership and Park Center Hardware remained until 2003 when the Property was approved as a PUD by the Commission's adoption of Ordinance 14-05-03. This resulted in the redevelopment of the Site as it exists today. The Ordinance creating the PUD included waivers to the Land Development Regulations of the Code: (1) a display parking setback of 15' instead of 25'; (2) to allow for the spacing of shade trees along Federal Highway to be 30' instead of 20 feet; (3) the elimination of wheel stops; (4) no planters on the roof of the garage; (5) to allow a 40' freestanding monument sign to replace the then conforming 15' freestanding monument sign. Town Code currently allows a maximum 10' height for monument signs; therefore, the Applicant proposes to remove this second existing monument sign and replace it with a 10' compliant sign by July 5, 2016, which is prior to the Phase 1 construction as proposed and consistent with the Town's compliance schedule for non-conforming signage.

Ms. DiTommaso provided a history of the south lot located at 1017 North Federal Highway, and stated that in 1969 it was developed as a 111-unit hotel known as The Journey's Inn, which had a 2,150 square foot restaurant known as The El Colonial. In 2004 an Application to expand the dealership and abandon the East Jasmine Drive right-of-way was submitted and approved by Resolution 43-07-04, but the expansion never occurred, and therefore abandonment approval became null and void. In 2010 the current owner requested permission to demolish the structures and pave and landscape the lot and temporarily utilize the lot for storage of vehicles with a temporary office trailer. These temporary uses are still on-going with a January 2016 expiration date pursuant to Resolution 03-01-15 approved by the Town Commission. Ms. DiTommaso showed a visual presentation of the overall site and pointed out details and existing conditions on the site.

Ms. DiTommaso explained that the request is being made by the Applicant, Urban Design Kilday Studios, for the owners Earl Stewart Toyota & Commercial Investments, LLC. The proposal is to expand the dealership which requires an Amendment to the existing PUD boundaries, which is being referenced as a re-zoning because the existing PUD boundaries encompass the north lot which is the 1215 North Federal Highway lot, and by proposing the expansion of the PUD it needs to incorporate the East Jasmine Drive right-of-way and the south lot located at 1017 North Federal Highway. Ms. DiTommaso stated it is important to note that these approvals are contingent upon the approval of the right-of-way abandonment of East Jasmine Drive by the Town Commission.

Ms. DiTommaso stated that Staff reviewed the Application with a series of review criteria, as outlined within the Staff Report, for consistency with the Town Comprehensive Plan; consistency with the six (6) Special Exception Use Criteria; as well as consistency with all Zoning and Land Development Regulations, all of which have been met.

Ms. DiTommaso presented a visual and reviewed the following project detail categories:

Building Site: The Site is proposing to expand onto the East Jasmine Drive right-of-way and onto the 1017 Federal Highway lot, in three (3) Phases. Phase 1 of the plan is proposing additional showroom space for used-car vehicular sales, with additional accessory service bays and car wash area, as well as a 3rd story shell for future office space use, which slightly encroaches onto the existing East Jasmine Drive right-of-way. Phase 2 proposes the interior build-out of the 3rd story shell for office space proposed in Phase 1. Phase 3 proposes a 5-story parking garage located on the 1017 North Federal lot with a height of 47.5' and a total square footage of 96,225 sq. ft.

Site Access: The amendment to the Master Plan shows 5 access points: two off of Federal Highway; one off East Ilex Drive; one off of Lake Shore Drive; and one off of Palmetto Drive.

Traffic: The Applicant has received confirmation from the County's Traffic Engineering Division which confirms that there is adequate capacity on the roadways to serve the Site.

Landscaping: All three phases of the proposed Site Plan meet the Town's Landscaping Code Regulations. The Applicant's Landscaping Plan has been determined to be "satisfactory for Site Plan Approval" by the Town's consulting Landscape Architect. This finding is predicated on the Applicant having been previously given 3 waivers to the Town's minimum landscaping requirements: 1) To allow for an increase of spacing between trees to 30' along Federal Highway; 2) To waive the requirement for planters on the roof; 3) To waive the requirement for wheel stops or curbs for parking areas.

Drainage: The Town's Engineer has reviewed the Applicant's Paving and Drainage Plan for all Phases and has determined that it meets the engineering requirements for Site Plan review.

Lighting: The Photometric Plan does meet Town Code requirements as proposed.

Parking: Section 78-145(g)(3) of the Town Code requires the following breakdown of parking spaces for the use of vehicle sales establishments: 1 space for every 500 square feet of gross floor area (76 spaces); 1 space for every 4,500 square feet of outdoor storage (5 spaces); 1 space per service bay (48 spaces); 1 space per employee at maximum shift (75 spaces) which totals 204 spaces. American Disability Association (ADA) requires 1 space for every 25 spaces (9 spaces). The number of ADA spaces can be inclusive of the number of spaces provided. Therefore, the Applicant is proposing 204 spaces, inclusive of 9 ADA spaces. The Applicant's site plan meets the Town's minimum parking requirements.

Signage: The Applicant has submitted a proposed Master Signage Plan that is consistent with the Town's Sign Code. The Applicant is proposing a total of 4 monument signs, 3 of which currently exist and 1 sign is new. The existing monument sign, on the corner of Palmetto Drive and Federal Highway, is 40 feet tall and previously received a waiver from the Town's Sign Regulations. The existing directional monument sign inside the parcel meets the Town's Sign Code. The existing 15' directional monument sign located off of the main entrance from Federal Highway exceeds the maximum permitted height currently allowed for monument signs. The Applicant has agreed to make the sign compliant by decreasing the height to 10' and therefore

the approval requiring a reduction of this sign will be included in the Development Order. The Applicant is proposing an additional monument sign along Federal Highway. This sign is permitted by the Town Code.

The Applicant's Master Sign Plan indicates a wall sign of 728 square feet. This is within their 1074.75 square feet maximum permitted signage allowance per Code. Signage permits will be required.

Zoning: The proposed Site Plan is within a PUD Zoning District and has an underlying C-1 zoning designation. The Site currently consists of two different parcels and a right of way; one parcel (1215 Federal Highway) is already within the PUD zoning district and the second parcel (1017 Federal Highway), as well as the East Jasmine Drive right-of-way must be rezoned as part of the PUD Site Plan Amendment to "PUD" with an underlying C-1 zoning designation. The abandonment approval will run through the Town Commission approval process.

Water/Sewer: Staff has received confirmation from Seacoast Utilities Authority (SUA) that the Applicant's Site Plan is satisfactory for site plan approval subject to conditions it is requesting to be reflected on the building permits.

Design/Architecture: The Applicant's proposed Elevation Plans for all three Phases meets the Town's Architectural Guidelines.

Fire: The Palm Beach County Fire Rescue Department completed a preliminary site plan review of the proposed Site Plan and has no comments pertaining to the Site Plan at time.

PBSO: A Crime Prevention Through Environmental Design (CPTED) review was conducted and there are no outstanding comments.

Ms. DiTommaso pointed out that she received one (1) resident letter, which was included in the Agenda Packet, which expresses a concern related to the Phase 3 proposed parking garage within 25' of the East Ilex right-of-way. The concern is with the entry/exit point off of East Ilex Drive and the loading and unloading that might occur based on the entry/exit point.

STAFF RECOMMENDATION

Ms. DiTommaso stated Staff is recommending approval as follows:

1. **APPROVAL** of the rezoning of the East Jasmine Drive right-of-way and the property with a street address of 1017 Federal Highway to a PUD with an underlying C-1 zoning designation - contingent upon the abandonment of the East Jasmine Drive right-of-way by the Town Commission.
2. **APPROVAL** of the proposed Special Exception Use of a vehicle sales establishment for the PUD.

3. **APPROVAL** of the Amendment to the PUD Site Plan with Conditions 1-20, some of which are standard conditions.

Ms. DiTommaso requested that Condition No. 7 and Condition No. 15, as listed in the Staff Report, should be deleted, as Condition No. 7 is a repetition of Condition No. 6. Condition No. 15 which requires a Unity of Control should be deleted since Condition No. 16 is requiring the site to be replatted.

Ms. DiTommaso restated that most of the Conditions are standard, but read the following two (2) Conditions into the record:

Condition No. 2: The driveway entrance along East Ilex Drive, including the entire East Ilex Drive right-of-way must not be used for loading/unloading or parking of vehicles at any time.

Condition No. 19: The Phasing schedule includes the following:

- | | |
|---------------------------------------|-------------------|
| • Phase 1 Commencement of Development | September 2016 |
| • Phase 1 Completion of Development | September 2017 |
| • Phase 2 Commencement of Development | December 2017 |
| • Phase 2 Completion of Development | December 2018 |
| • Phase 3 Commencement of Development | June 2020 |
| • Phase 3 Completion of Development | December 30, 2021 |

Ms. DiTommaso stated she is open for questions and comments at any time and the Applicant is present.

APPLICANT PRESENTATION

The Town Attorney swore in witnesses for the Earl Stewart Toyota agenda item.

Mr. Chris Barry, Land Planner with Urban Design Kilday Studios, addressed the Board on behalf of Earl Stewart Toyota and Commercial Investments, LLC. Mr. Barry stated they appreciate Staff's recommendation for approval and they are in agreement with the Conditions of Approval as amended. Mr. Barry gave a detail of the site acreage and provided a breakdown of the 7.19 acre site: 1215 North Federal Highway is 4.47 acres; the proposed abandoned right-of-way is less than .5 acre; and 1017 North Federal Highway is 2.23 acres. Mr. Barry stated the temporary use approval for the used car lot (2.23 acres) went before the Town Commission on January 21, 2015, requesting an extension, which was approved. He stated that his client is allowed to utilize the lot for temporary uses for up to 30 days from the issuance of the C.O. for Phase 1, but no later than January 31, 2016. Mr. Barry gave a visual presentation of the site and pointed out details of the proposed application request, including footprints, elevations, and timelines and landscaping. Mr. Barry pointed out that existing vegetation along the site has died and Staff is requiring that the landscaping be restored to the originally approved landscaping, and the interior landscaping will be put in place as part of the Phase 1 development. A significant amount of landscaping will be installed as a part of Phase 3. Mr. Barry reviewed the factors considered for placement of the 5-story garage. Mr. Barry pointed out a reduction in the number of access

points onto public rights-of-way and stated the Ilex Drive right-of-way will not be utilized for storage or loading/unloading of vehicles. Mr. Barry stated that his client has agreed to replace the 15' non-conforming sign on Federal Highway with a 10' conforming sign by no later than the deadline in July of 2016. The expansion of the facility will increase the number of employees by 30-40 people.

PUBLIC COMMENTS

Harry Moisel: Mr. Moisel stated that he represents Cedar Crest Apartments (south of Stewart Toyota). Mr. Moisel commented that he respects the Staff recommendations but expressed strong concerns with certain items - particularly the 5-story massive building which will take away from the whole area; that upon the acquisition of Jasmine Drive, East Ilex Drive will become like a highway with excess traffic and they would appreciate no access to Earl Stewart Toyota from East Ilex Drive; and car carriers unloading vehicles during the early morning and late night hours. Mr. Moisel stated that Cedar Crest Apartments has been there for 35 years and they are very proud of their well-manicured property.

Janet Hash: Ms. Hash addressed the Board and stated that she is happy to have the opportunity to express her opinion on the Earl Stewart presentation. Ms. Hash commented that she is a resident of the Town of Lake Park for 3 years and her concerns are the 5-story garage across the road from the condominiums. She stated that the present structure is a nice structure, not too high, but the parking garage would be too high and the Board should consider lowering the height and moving the garage closer to Federal Highway. She questioned where the car wash would be situated and expressed concern regarding noise from the car wash.

Cat Nguyen: Mr. Nguyen stated that he lives in Bay Reach Condominium and expressed concern of the height of the parking garage. He also expressed concern regarding consistency of the building with the surrounding structures, obstruction of view and security.

John Hash: Mr. Hash expressed concern regarding the size and height of the parking garage and asked if there are currently any restrictions on the height of the building in that area (C-1 Zoning District).

Jay Kroul: Ms. Kroul stated she is the Property Manager for Marina Key, and their concerns are that a 5-story parking garage structure would be so large that it would tower over the 3-story Marina Key. Ms. Kroul stated that they have received many complaints regarding noise, safety and obstruction of the view.

BOARD DISCUSSION

Board Member Schneider asked if the facility would be open during construction, to which Mr. Brown responded the facility would be open. Board Member Schneider questioned if the right-of-way abandonment was a purchase from the Town or was the land given to the Applicant and what the procedure is for moving forward to the Town Commission. Ms. DiTommaso responded that it has not moved forward to the Town Commission, but it will move forward pending the

outcome of this P&Z Meeting. If it were to move forward concurrently, it would be as a separate application and the Code requires that public benefit and fair market value be reviewed and considered as part of the application. Board Member Schneider asked what the public benefit would be and Ms. DiTommaso responded the public benefit for abandoning the right-of-way would be to allow for the economic redevelopment of the parcel and increase in property value (*applicant will have to prove public benefit as part of the application process*). Board Member Schneider stated a concern regarding connectivity being given up and suggested that a public cross-access easement connecting Lake Shore Drive and Federal Highway be considered. Board Member Schneider suggested moving the building forward 10' - 20' toward the customer/employee parking and bringing the height down. Board Member Schneider asked if any new waivers are being requested and Ms. DiTommaso responded there are no new waivers, although the previously approved PUD Waivers would apply if the expansion of the PUD is approved. Board Member Schneider pointed out there appears to be more than one wall sign on the same elevation, resulting in too many signs when looking from one direction, and that consideration should be given to reducing signage. Board Member Schneider verified that all vehicle maintenance repair work will be conducted only inside the enclosed facility and asked that it be a condition of approval.

Board Member Francois stated her concern regarding the building height has already been addressed, and that by moving the building forward and closer to the parking lot would help with the concerns of the neighboring residents. Board Member Schneider commented that moving the building would not help the residents to the south.

Chair Thomas thanked Earl Stewart for coming forth with this project, which has been a long and arduous journey, probably 10 years in the making. Chair Thomas acknowledged the comments made by the residents on the east side of the proposed development, and commented that residents to the west of the proposed development would also be affected, and stated that she is one of the residents living on the west of the development. Chair Thomas stated she has had numerous concerns over the years with Earl Stewart Toyota, including the noise of the P.A. System on the site. She stated that she has major concerns with Earl Stewart regarding this project, including the loading/unloading of vehicles. Chair Thomas stated that the loading & unloading of vehicles on Jasmine Drive has currently torn up the landscaping and asked Mr. Barry to explain what is being proposed for the loading/unloading into the 5-story garage. There was discussion regarding the truck routing plan and possible areas for loading/unloading and whether there will be internal unloading. Mr. Shiner stated that no transport trucks will be allowed on Lake Shore Drive and the access point from Lake Shore Drive will be closed. The Town Attorney stated that there is a Special Exception and therefore delivery times and site access can be made conditions if deemed as in the best interest of the Town. The Town Attorney stated that the southernmost entrance lines up with the current right-of-way, and if it were open the trucks could go directly into the facility to unload the vehicles, and close the access point on Lake Shore Drive.

Chair Thomas expressed another concern is the height of the parking garage, regardless of whether it is moved to the east or to the west, it would still be 50' in height, and she fears that the Town would be setting a precedent if it were to be allowed. She strongly feels that the development needs to consider changing the height of the parking garage. Chair Thomas stated

she does want to see development, but not if it is to the detriment of the lifestyle and quality of life of the residents of the Town. She commented that the impact to the residents in order for Earl Stewart Toyota to double their inventory is huge. Chair Thomas stated that as the development moves forward it should be considered to notify the residents living to the west. Chair Thomas expressed other concerns including abandoning the right-of-way and the public benefit; preserving historic resources in the Town and the potential of increased traffic. Chair Thomas stated she does not support the proposed Earl Stewart project in its current form and does not support it moving forward in the current manner. Chair Thomas wanted to go on record that she was contacted by a property owner prior the Meeting who asked her to share her concerns about the project. Chair Thomas suggested a 25' setback from East Ilex Drive, possibly with a passive park, decrease the 5-story building height and increase the landscaping so you don't feel the mass.

Board Member Schneider questioned the height of the existing building and the height allowance in the C-1 Zoning District without the PUD. The Community Development Director stated that the maximum height allowance in the C-1 Zoning District is 2 stories or 30', and within the PUD it is 4 stories or 50'. Mr. Barry stated that the height of the existing garage building is 33'. Mr. Danny Brown with Glidden Spina Architects addressed the Board and stated that the highest portion of the existing building is the roof of the elevator which is approximately 43' - 44' from the U.S. One side, but which is about 5' lower than the Lake Shore Drive side of the property. The perception from the Lake Shore Drive side is about 50' and the perception from the U.S. Highway One side is approximately 43'. Mr. Barry stated the proposed garage building height will not be drastically different from the garage that is currently there. Mr. Barry informed the Board that Earl Stewart Toyota attempted to host a community meeting and several Public Notices were posted, but unfortunately no one attended the meeting. He also mentioned that several signs were posted throughout the community regarding the PUD and the abandonment of the right-of-way meeting. Mr. Barry stated his client is open and amenable to mitigating the concerns of the Board, including the garage height. He stated the reason for the 5-story garage is because the Toyota Corporation requires a minimum number of inventory spaces based on the size of the property, which is currently not being met.

Mr. Barry asked the Board how to proceed and there was discussion regarding how to move forward considering all of the concerns mentioned during the meeting. Chair Thomas recommended that they hold a public meeting with the residents living west of Federal Highway before the end of February and before it proceeds to the Town Commission. The Town Attorney stated that the right-of-way abandonment needs to move forward at the same time as the Site Plan and PUD, so therefore the Board can either make a recommendation to the Town Commission at this time, or consider continuing the meeting. Board Member Schneider stated that he cannot see making a motion for approval with the numerous conditions discussed throughout the meeting, as there are too many unknowns. There was discussion regarding whether to make a motion for denial or to continue the meeting. Mr. Barry stated that his client would be willing to reduce the height of the proposed garage to the height of the current garage if it would allow for the project to move forward today. Mr. Barry emphasized the project needs to continue moving forward in order to meet phasing deadlines. Mr. Barry asked Staff about deadlines for submittal for the upcoming March Planning & Zoning Board Meeting and asked if they could postpone the matter until next month.

PLANNING & ZONING BOARD RECOMMENDATION

Board Member Schneider made a motion to continue the matter to the March 2, 2015, Planning & Zoning Board Meeting. The motion was seconded by Board Member Francois, and the vote was as follows:

	Aye	Nay
Judith Thomas	X	
Erich Von Unruh		
Michele Dubois		
Ludie Francois	X	
Martin Schneider	X	

The Motion carried 3-0, and the matter was continued to the March 2, 2015, Planning & Zoning Board Meeting.

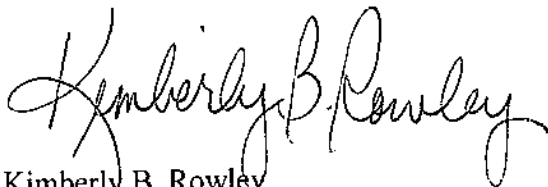
COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

Ms. DiTommaso announced that the Town Planner position is now vacant and the hiring process is moving forward.

ADJOURNMENT

There being no further business before the Board, the Meeting was adjourned by Chair Thomas at 9:16 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:



Town of Lake Park Community Development Department

Nadia Di Tommaso,
Community Development Director



Memo Date: February 20, 2015

To: PLANNING & ZONING BOARD

Re: Earl Stewart Toyota

At the February 2nd, 2015 Planning & Zoning (P&Z) Board meeting, the Earl Stewart Toyota agenda item, as listed on the agenda, was presented and discussed. At this meeting, some of the primary concerns expressed by the Board members and the public included traffic circulation, loading/unloading of vehicles, driveway entrances, and the overall parking garage structure height.

Immediately following the P&Z meeting, staff discussed these various concerns with the Applicant and requested that the plans be revisited. Clarifications on the tabular data as it relates to proposed building heights and traffic circulation was also addressed. Consequently, the Applicant resubmitted revised plans on February 9 and staff issued comments on February 12. These comments and responses include the following and have been structured in such a way to address the concerns made at the meeting and throughout the past few weeks (staff comments are in **bold** and Applicant responses are in *italics*):

(1) Provide a written description of the revisions on letterhead.

Please see enclosed.

- **It seems the parking garage structure was reduced in height and still retains a varying overall height.**

The top level of the parking garage has been removed which reduces the height by 10'. The change reduces the height of the garage on the east side to 34'6" which is consistent with the height of the 3-story residential development to the east.

- **It does not appear the landscape plans have changed.**

The landscape plan has been amended to include two additional seating areas along E. Ilex Drive, and a bus shelter on US1. The proposed landscape buffer adjacent to the garage includes the code required 15' buffer together with an additional 10' which is part of the building setback. The proposed landscape planting plan far exceeds the minimum required planting for a typical 15' streetscape buffer. The proximity of the garage to the plant material allows the proposed landscaping to more effectively screen the garage than it would if the garage was moved a further distance away. If the site plan was redesigned and the garage were moved to the east, it would be necessary to reduce the width of the landscape buffer back to the code required 15' in order to provide circulation around the garage. The applicant feels that providing the increased buffer width provides a public benefit that would otherwise be lost if the building were shifted.

- **It also does not appear the parking structure itself was relocated closer to Federal Highway and further away from E. Ilex Drive pursuant to the concerns raised at the P&Z meeting,**

As noted above, the height of the garage has been modified to remove an entire level of parking thereby reducing the overall height by 10 feet. Although the PUD allows the building to be 50 feet tall, the height change to the garage reduces the building to a height that is consistent with the existing

buildings on the site. Due to the grade changes, there are various heights of the building. The majority of the proposed garage is 34'6" tall. Stair towers and the decorative trellis elements are slightly higher. The location of the garage allows the residential community to the east to be screened from the sales, delivery and maintenance activity on the property. The location of the building also assists in reducing the massing of buildings on US1. Nighttime activity is limited to the US1 side of the building to minimize impacts to the neighbors.

- **Nor was it altered to include increased architectural variety.**

The elevations of the building as originally submitted comply with the Town's Architectural Guidelines with respect to articulation as well as variations in height and vertical plane. The proposed alterations to the height of the garage will add interest as it steps back in profile to the adjacent streets. In addition trellis elements have been incorporated at the upper levels on the east and west façades to provide architectural interest.

- **Staff will be including a condition of approval for the P&Z Board to consider whereby the 'New Color 6' banding and the Precast Fascia aluminum high-quality coated panels with varying colors is extended around the entire expansion, including the parking garage structure proposed in Phase 3.**

The applicant would like staff to please reconsider their position with regard to the proposed condition. Toyota requires, as part of their nationwide Imaging Plan, aluminum panels on the upper portion of the Showroom entries. This architectural treatment is reserved for key elements of the building. The banding element has been added on the existing rotunda portion of the existing building as well as the curved portion of the proposed expansion. However, the panels were terminated at the transition of the curved wall to the lower parapet wall of the 3rd level parking due to the reduced surface area available and, in order to maintain the material hierarchy as required by the Imaging Plan. It is the opinion of the architect that the extension of the panels on the garage would be inappropriate for the building design, as well as the building massing.

- **Please submit color elevations that include foundational and perimeter landscaping.**

Colored elevations with landscaping have been included in the resubmittal package.

(2) A shadow study was submitted. Please provide a written explanation of the overspills illustrated on letterhead.

The shadow study is based on the longest shadow patterns being cast on December 21st and June 21st. Shadows during other times of the year will vary between these areas. The study shows that for the majority of the year, the shadows will fall within the road rights-of-way.

(3) Provide a table with the following tabular data for all Phases:

- Existing vs. Proposed heights of the buildings and garages
- Existing vs. Proposed building square footage
- Existing vs. Proposed inventory
- Existing vs. Proposed traffic

Tabular data tables for building heights, building area and inventory parking have been added to the revised architectural drawings. The following is a summary of the traffic data:

	<i>ADT</i>	<i>AM PEAK</i>	<i>PM PEAK</i>
<i>Existing</i>	530	31	43
<i>Proposed</i>	1043	62	85

	<i>AM PEAK</i>	<i>PM PEAK</i>
<i>Phase I</i>	36	48
<i>Phase II</i>	62	85
<i>Phase III</i>	62	85

(4) The minimum vehicle inventory that was proposed in the previous plan was claimed to be required at the P&Z Board meeting. How is this number determined and what is the exact minimum requirement for this site (before the expansion and based on the expansion).

There are 700 inventory spaces proposed at the end of Phase 2 which are the minimum number of inventory spaces required to successfully function at the current level of service. The proposed 367 car expansion in Phase 3 is driven by the need to provide additional spaces to allow for growth and to service the market as dictated by Toyota Motor Sales. The number of overall spaces required is based on a variety of factors. Minimums established by Toyota Motor Sales reflect the minimums required of the dealership to service their customers. Factors that are not included in establishing the minimum number of inventory spaces include the desire to allow for future growth, parking required for service customers, expanded number of employees, and the volume of sales per month for both new and used cars. Vehicle inventory is determined by how many days it takes to satisfy the required sales pace. Car supply also varies by model, trim level, equipment and color. For example, if they sell 75 Camrys in a month, and they have 75 Camrys in stock, they have a 30 day supply. Ideally they strive to average between a 30-40 day supply. Used car demand is calculated similarly with variations for retail and wholesale sales and slightly different guidelines. Based on their current sales pace they anticipate needing a larger number of inventory spaces to accomplish their growth goals. Under current conditions they need between 270 to 405 new vehicles to satisfy their supply needs. Those numbers will increase as they grow.

Other factors that impact the parking requirements include an increase in the number of employees that they will need to provide parking for. They currently have a shortage of available spaces for the employees and they intend to increase the number of employees in the future. With the increase in the service operations, they are anticipating the need for additional customer parking. Lack of available or convenient parking creates unsafe conditions which can result in injuries, damage to vehicles and poor customer satisfaction. The proposed parking will provide a safe and convenient parking arrangement for all customers and employees.

(5) Provide the height of the residential buildings surrounding the overall site (Bay Reach; Marina Key; Cedar Crest) and provide the distance between the Earl Stewart Toyota overall site and these residential properties.

Please see the attached graphics which have been amended to include the heights of the adjacent projects.

(6) Provide an analysis as to the impacts this type of expansion would have on the property values of the surrounding commercial and residential areas.

Just as when the property values improved with the removal of the old buildings from the property, the applicant believes that the proposed expansion will enhance the values of the surrounding properties. The applicant has shown that they value their place in the community and have maintained the site to a high level of standard. The proposed development plan will help to consolidate the existing uses on the sites which will create a more unified development on the street façade. The existing uses on the sites will not change and have been in existence for many years, in some cases prior to the surrounding developments. The enhanced architecture, landscaping and overall improved appearance will hopefully encourage other commercial developments in the area to make improvements to their properties. The substantial investments proposed by the applicant will increase the property value of the site and provide stability to the economic base of the community.

(7) Provide a written description on letterhead of the operating hours of the service bays and car wash, their location, and the methods being used to trap runoff onsite in order to eliminate the environmental concerns of contaminants percolating into the ground or draining into Lakeshore Drive and then leading into Lake Worth (home to endangered species) through the Palmetto Drive canal.

The service bays will be completely contained and enclosed within the existing and proposed building and will not be visible from the adjacent residential communities. The car wash is located on the east side of the existing building, screened by a wall which will be consistent with the existing façade of the building. The hours of operation for the service department are 7 AM - 7 PM, Monday through Saturday and 9 AM - 5 PM on Sundays. The car wash will operate 7 AM - 9 PM Monday through Friday and 7 AM - 6 PM Saturday and Sunday.

Contaminants from vehicle maintenance areas are directed to the sanitary sewer system provided by the Seacoast Utility Authority, and are not directed into storm drains and are therefore not anticipated to affect the Lake Worth Lagoon. Prior to entering the sanitary sewer system, the discharge is treated via oil/water separators. Stormwater runoff from rainfall events on the dealership site is retained and treated on-site within underground exfiltration trench systems prior to controlled discharge to the City's storm sewer system.

(8) Clarify the peak hour trips for all Phases.

The following are the Peak Hour trip counts for the project:

	ADT	AM PEAK	PM PEAK
<i>Existing</i>	530	31	43
<i>Proposed</i>	1043	62	85

	AM PEAK	PM PEAK
<i>Phase I</i>	36	48
<i>Phase II</i>	62	85
<i>Phase III</i>	62	85

(9) Truck traffic is a major concern. The resubmittal did not address closing the Lakeshore Drive entrance or the E. Ilex entrance. A truck routing plan was also not submitted – please submit.

The attached plans have been amended to shift the US1 entrance to the south in alignment with the loading area and to increase the radius of the curbs to allow delivery trucks to enter and exit the site from US1 and the northern entrance of the property. The proposed design eliminates the need for any truck delivery traffic to utilize Lake Shore Drive or E. Ilex Drive. Included in this submittal is a truck turning analysis which shows how the trucks will traverse the site.

(10) While Mr. Jankowski is working on a public benefit justification for the abandonment of the East Jasmine Drive right-of-way, because this site plan approval is contingent on the right-of-way being abandoned, please include a public benefit justification in you summary response required as part of comment #1.

- *In order to maintain economic sustainability and maintain its level of service to its residents, a community must retain and encourage non-residential economic development. The proposed business expansion plan for one of the Town's largest businesses and employers will assist in the strengthening of the Town's revenue sources through an increase in tax revenues. Although the downturn in the economy delayed the plan for expansion beyond what the applicant wanted, the applicant is committed to making this investment and maintaining this location in the Town of Lake Park.*
- *The proposed expansion will allow the applicant to provide additional jobs for the community.*
- *The proposed expansion project will be registered with the US Green Building Council and be a LEED certified Automotive Dealership.*
- *The proposed abandonment will allow the current disjointed sales operation to be consolidated which will also help to make the existing site conditions safer for both the customers and employees who are currently crossing the street between the main building and the sales operation on a regular basis.*
- *The consolidation of the properties will allow the relocation of the loading operation to a safer, more confined area inside the site and outside of the public right-of-way.*
- *The consolidation of the operation and abandonment will allow the site design to far exceed the minimum required open space for the site. The design also allows the landscape buffers to be increased in width to provide an enhanced buffer.*
- *As part of the proposed development plan, the applicant is proposing to bring the property into compliance with current codes and to reduce some of the existing non-conformities on the site.*
- *The applicant is proposing to provide additional sitting areas and a bus shelter for the benefit and enjoyment of the public and the enhancement of the street corridor.*

(11) Please advise as to the changes being resubmitted. There may be an opportunity to utilize some of the plan sheets previously submitted if they are not being modified. All resubmittal documents must be received no later than noon time on Wednesday, February 18.

Due to the changes to the base plans to accommodate the truck route, a complete set of amended plans have been provided. Copies of the rendered perspective drawings have not been provided in this submittal.

(12) A resident letter was received and staff is requesting that the various items are addressed in the applicant's response. The following are the comments noted in the letter:

- a. Toyota presented this proposal back in 2007. It was debated at a hearing and was denied.**

The applicant did present a more intense version of the proposed expansion plan which was not denied, but was withdrawn from consideration. The abandonment was approved but not fully implemented.

- b. Health problems emerging from the toxic fumes from the car storage facility.**

The applicant meets all requirements for health safety and welfare of it's' employees and undergoes regular inspections for compliance with all state and local regulations. No violations of the established health and safety regulations have been identified. The applicant will endeavor to continue the current practices and procedures to maintain the health and safety of their employees and the public.

- c. The acquisition of Jasmin Drive by Toyota diverts the traffic to E. Ilex Drive thus, adding congestion to E. Ilex Drive.**

The minimal amount of traffic that will be diverted to E. Ilex Drive is well within the limits and standards established for the traffic volumes of the street.

- d. The acquisition of Jasmine Drive and the conversion of residential real estate into commercial real estate alters the character of the town of which we invested.**

The road right-of-way to be abandoned is located and provides access to two existing commercial properties. The existing use of the right-of-way is not residential in nature and as such will not change the character of the surrounding commercial development upon abandonment.

- e. Mr. Stewart has several other properties in the area that can accommodate the type of service he is seeking for E. Ilex. The annexation of Jasmine Drive would cause the traffic to move to E. Ilex.**

The applicant is proposing to make a major investment in the property which will improve safety, reduce existing nonconformities, increase open space, improve the streetscape and public amenities, increase the tax base, increase jobs, and hopefully encourage other commercial developments in the area to make improvements to further enhance the corridor.

- f. The Town of Lake Park reversed itself. It caused the restaurant that was located on U.S. 1 (Baker) to leave the area because they would not grant him permission to use the lot he purchased on Lake Shore Drive for parking his customers.**

The applicant has no comment.

(13) Please advise whether a community meeting was scheduled/held pursuant to the discussion held at the P&Z meeting.

The applicant has reached out to Ms. Thomas to try and set a mutually agreeable time and place for her and her neighbors to review the amended plans. We will advise staff once a meeting has been set up.

While the staff report acknowledges that the project meets the minimum code requirements, and in some cases, as it relates to landscaping, exceeds these requirements, since this is a special exception use, the Board has the ability to recommend additional conditions if deemed in the best interest of the Town. In listening to the comments and concerns from the first P&Z meeting, staff recommends that the Planning & Zoning Board consider the following additional conditions to those listed in the staff report (*please note that some of these are summarized in the above comments/responses as well*):

- Delivery times shall be between (*as determined by the Board*)
- Loading/Delivery Vehicles/Trucks shall only enter/exit the site through Federal Highway and the north entrance on Palmetto Drive
- 'New Color 6' banding and the Precast Fascia aluminum high-quality coated panels with varying color shall be extended around the entire expansion, including the parking garage structure proposed in Phase 3

Several resident/homeowner letters have also been received over the past few weeks both via email and by U.S. mail. These letters are also enclosed for the Board's review. One letter was received prior to Applicant submitting responses, and this letter was addressed by the Applicant in response #12 above. The Applicant has been provided with copies of these letters as well.

While staff recommends approval with conditions, as listed in the staff report, staff is respectfully requesting the Board to also consider the additional recommended conditions listed above.

Thank you.

Community

FEB 12 2015

Development

To: Town of Lake Park

Attn: Nadia Di Tommaso, Community Development Director

From: Nick and Karen Kozarevich, owners at Bay Reach Condominiums

Date: February 12, 2015

Re: Earl Stewart Toyota/Commercial Investments LLC, notice dated January 15, 2015

In response to the notice dated January 15, 2015 regarding the proposed expansion of Earl Stewart Toyota with a tall unsightly building, on the lot they currently use to store vehicles, we have several concerns that we would like to bring to your attention for additional review of what we consider to be probable impacts to the local community. Specifically, we have concerns as follows:

1. Noise pollution from multiple trucks and vehicles going in and out of the proposed structure. Trucks that transport vehicles are large and noisy. Remember that people work all hours of the day and therefore some need to sleep during daylight hours, and thus need a quiet surrounding.
2. Air pollution from multiple trucks and vehicles going in and out of the proposed structure.
3. Congestion on the streets from multiple trucks and vehicles going in and out of the proposed structure. Closing down Jasmine Drive will add to the congestion. Working residents need easy access in and out during rush hours. Limiting access routes could also negatively impact emergency evacuation.
4. Possible water pollution to nearby canals and Intracoastal Waterway (ICW) where manatees live with other marine life and are supposed to be protected. We see manatees everyday living and swimming in the canals and ICW.
5. Inconsistent use of land that was supposed to remain as R – residentially zoned on Lake Shore Drive.
6. Loss of sunlight to neighboring condominiums, thus detracting from homeowners' pleasure. We and other homeowners specifically bought here to enjoy the tranquil surroundings and sunlight along Lake Shore Drive and the ICW.
7. Loss of property values due to all of the above impacts.

Please have our concerns researched and considered before any approval is made.

Regards,

Nick and Karen Kozarevich

Bay Reach Condominium owners since 2006

To: Town of Lake Park
Planning and Zoning/Town Commission
ATTN: Nadia DiTommaso, Community Development Director

Date: 2/18/15

Community

FEB 18 2015

Development

From: Bay Reach Condominium Owner:
Beth and Benny Valle, 1045 Lake Shore Drive, #201, Lake Park, FL 33403

Re: Earl Stewart Toyota Expansion Application and Certified Letter of 1/15/15

In response to the referenced expansion of Earl Stewart Toyota, I have strong concern that the original Vision of the town developers of Lake Park as a coastal community of great beauty (the Marina, Kelsey Park, landscaping, low buildings, etc.) is getting lost in this rapid Application Process. The land in question is directly across from Lake Worth and Lake Shore Drive, and is very valuable and strategic in its location and importance to the Town. The question is whether this flagship project is truly in the best interests of the future vision of Lake Park. The answer requires time for a broad and honest analysis.

The project conflicts with the existing architecture, style, mass, height, and use of the Lake Shore Drive area. It is directly across Lake Shore from Bay Reach, and results in a building wall nearly 50 feet high that runs 3 city blocks and is about 1000 feet long. It will be as if a cruise ship has docked 100 feet from our home. Our western view, light, breezes, and open ambience will be greatly impacted by this sterile, unnatural feature.

Safety -The project will introduce a dangerous increase of commercial truck, van, and car traffic onto Lake Shore Drive, which was designed for residential use in a residential neighborhood and is only 2 lanes wide. The resulting traffic congestion, inconvenience, and safety hazards will strongly impact the resident population who regularly use Lake Shore Drive as drivers, bicyclists, and pedestrians. Earl Stewart car carrier trucks currently park illegally in the center of Lake Shore Drive while they await offloading.

E. Jasmine ROW The project proposes a new access along Lake Shore Drive. Therefore, the project will potentially have 3 access points on Lake Shore Drive (existing one just south of Castlewood intersection, the proposed abandonment of E. Jasmine, and the new one). Lake Shore Drive is a residential street in its origins and nature, and is not a commercial highway, as is Federal Highway. US 1 should have all the traffic. Because of the Safety concerns of Item (2) above, I request that the Township evaluate: Conditioning the E. Jasmine Drive ROW Abandonment Agreement to require:

A. Project will have NO Lake Shore Drive access points, and will close existing ones.

B. Allow no vehicle parking, standing, loading or unloading related to the Earl Stewart commercial establishment to take place on Lake Shore Drive.

Please have these concerns researched and considered before any Approval is made, and include this letter as part of the Public Record of the Earl Stewart Application.

Sincerely,

Beth and Benny Valle
Bay Reach Resident and Homeowner

To: Town of Lake Park
Planning and Zoning/Town Commission
ATTN: Nadia DiTommaso, Community Development Director

Date: 2/18/2015 **Community**

FEB 18 2015

From: Bay Reach Condominium Owner (abutter) **Development**
Bay Reach
1015 Lake Shore Drive, # 104, Lake Park, FL 33403

Re: Earl Stewart Toyota Expansion Application and Certified Letter of 1/15/15
Note: Please include my Letter in the Public Record of this Application

As a homeowner whose property is directly across Lake Shore Drive from the Earl Stewart project, I have strong concerns regarding the projects local and general impact:

1. The **historic origins of Lake Park** included designing a community to emphasize its beautiful coastline. The buildings, landscaping, zoning, and development promoted this concept. This particular Application seems to ignore the very essence of Lake Park. The land in question is directly across from Lake Worth and Lake Shore Drive, and is very historic, valuable, and strategic in its location and importance to the Town. The project represents an intrusion into our residential area, bringing heavy traffic and a huge commercial footprint of concentrated car dealership activity. It sets a precedent for further large projects in the area between Federal Highway and Lake Shore Drive that will overcome the intended residential component of that area. It will negatively affect the Safety, Quality of Life, Property Values, and Health of the Residents.

2. The Applicant directly states that there are **NO Historic Resources** that would be affected by the proposed development. This is a completely erroneous statement, and shows a disregard for the Lake Park community that they are part of and will affect:

To paraphrase Lake Park's own website: (lakeparkflorida.gov)
Lake Park Historic Structures – Lake Park retains the original layout planned by the Olmstead Brothers. Lake Park was called “The Jewel of the Palm Beaches” and reflects the desirable quality of life envisioned by the town founders in 1923.

It emphasizes the historic Lush Landscaping, Sails in the Marina, and town atmosphere. The site was Kelsey's favorite spot on Lake Worth. Kelsey brought in the famous Olmstead Brothers, premier architects of the time. Other notable Olmstead firm projects include White House grounds, National Mall, Jefferson Memorial, and New York's Central Park, Chicago 1893 Worlds Fair, and the Bok Tower in Lake Wales, Florida.

In 1939, the street names were changed to names of flowers and trees. The original zoning was residential from Lake Worth to 5th St. (4 blocks West of Federal Highway). I ask that the nearby Historic community of Lake Park be given more consideration in relation to the project. Even the abandonment of E. Jasmine has historical significance.

No Historic Resources indeed!! The Applicant appears to be quite blind!

Sincerely, Krista and Don Van Arsdale, Bay Reach
Homeowner

From: jhash2@comcast.net <jhash2@comcast.net>
Sent: Thursday, February 19, 2015 10:59 AM
To: James Dubois; Kim Glas-Castro; Kathleen Rapoza; Erin Flaherty; Michael O'Rourke
Cc: Hash, Janet
Subject: Kilday Urban Design Application 1215 and 1017 Fed. Hwy

Re: 1215 1017 Federal H'wy
Special Exception use approval of vehicle sales establishment
ROW Abandonment, Variance

Earl Stewart Toyota and Commercial Investments LLC's have a team of experts, under the direction of the applicant, to pursue the development of the property they own. The Residents of Lake Park also have a team of experts: our Mayor, Vice-Mayor, Commissioners and town solicitor, whose sworn duty is to do what is best for the people they serve by balancing the growth of our tiny village. The Kilday Urban Design application tests the metal of our representatives to balance the quality of life of residents with business expansion within the small footprint that comprises Lake Park. The applicant's project proposes to build a 45 foot high structure for the increased storage and distribution of goods acquired by the car dealership, in essence creating a hub for the car dealership on property owned by Commercial Investments LLC that has a broad objective of distribution to dealerships other than specific sales at the 1215 Federal Hwy site. At the Feb 2, 2015 planning zoning meeting the reps for Earl Stewart said that to acquire the volume discount from Toyota, a larger volume of cars needed to be bought. Thus the sticky wicket of where to store this increased volume???

Defining the structure as a parking garage is a slight of hand definition that packages the structure neatly into zoning/rezoning.
However, the structure is more accurately defined as a "warehouse" which stores and distributes goods.

This begs the question of the Township turning a Blind Eye to this expansion by using the applicants definition or defining the applicants expansion as to its true nature??
There are many concerns from residents along Lake Shore Dr. who have to view a 45 foot concrete wall extending for 3 blocks blocking out sunsets, sky, openness, light, enjoyment of the quiet of a small town village atmosphere that is tiny Lake Park.

- ROW abandonment of East Jasmine Dr
- Lake Shore Drive uses as entrance/exit for 18 wheelers and other tractor trailers that supply the dealership
- the current parking and unloading of vehicles off Lake Shore Dr creating driving hazards for residential vehicles
- waste water management from a car wash that doesn't seem to be addressed in the application
- noise abatement controls for blowers and dryers in a car wash facility and hours of use for this new part of dealership
- commercial use of car wash/ body shop/ to service fleets

- the concentration of commercial versus residential from Palmeto to Greenbriar under current zoning
- setbacks to Lake Shore Dr on 1017 property owned by Commercial Investments LLC seem to favor aesthetics for dealership and not residents

This application before the Town of Lake Park needs careful consideration by our team of experts. What has been lacking is public input, not because the public affected on both sides of US 1 is not interested and has no opinion, but because the information supplied to residents about the extensive nature of this expansion has been minimized or lacking even in bullet form, details of the 3 Phases of expansion.

The Mayor and Commissioners need to take the deliberate time to sort through and balance the rights of its residents and its businesses regardless of the pressures put upon it by the applicant due to time restrictions.

Respectfully,

Janet Hash Resident Lake Park

Community

FEB 21 2015

Development

From: John Ranker [mailto:witchy1629@aol.com]

Sent: Saturday, February 21, 2015 3:55 PM

To: James Dubois; Kim Glas-Castro; eflaherty@lakeparkflorida.gov; Michael O'Rourke; Kathleen Rapoza; Nadia DiTommaso; jthomas@lakeparkflorida.gov

Subject: Earl Stewart expansion project

After attending the February 2, 2015 meeting of the Planning Board regarding the proposed Earl Stewart Expansion Plan, I must say that I was very impressed with the genuine concern and understanding the board showed for the area residents. Judith Thomas spoke eloquently and from the heart as she explained the detrimental impact a five story garage would have on our tiny Village of Lake Park and the residents both to the west and the east.

There are a few comments that I, as a resident of Bay Reach, would like to make:

The letter I received from Earl Stewart said nothing nor inferred about a five story garage- rather it concerned the acquisition of East Jasmine Drive. I find this to be quite disturbing and deceptive- and I believe it is the reason the room was not packed with residents at the meeting on Feb. 2nd.

I also find that the requirements that Earl Stewart had to meet had been met "to the minimum" most disturbing. Why allow a project of this magnitude fly with the MINIMUM???

Earl Stewart did not want to impact Federal Hwy, so he saw fit to push the behemoth garage into the faces of the residents to the east? This is unconscionable!

I find it hard to believe that the project will have "no environmental impact" All the runoff goes into the storm drain that empties into our canal which is notably absent from some maps. We have a family of manatees that reside there. So runoff from the facility's carwash, repair bays, etc. may very well impact the environment. Lake Shore Drive floods during heavy rains and high tides!

The Village of Lake Park is tiny- only two square miles. We presently are zoned for three stories which should be enough for Earl Stewart's expansion if they are truly only doubling their inventory. Or is it the fact that we are so tiny and "no one knows where Lake Park is" that we just don't matter to Earl Stewart?

Of the five blocks between Kelsey Park and Palmetto Drive, which constitutes the North half of Lake Park, Earl Stewart occupies three- that is a large concentration of one business.

As I stood out in the afternoon sun, I realized that if this five story monstrosity is allowed, I won't see any afternoon sun!

I realize that Earl Stewart has been a good neighbor, but I don't think this project has taken into consideration the impact on the local residents, both to the east and the west. There are other viable locations that are already zoned for projects of this height which I'm sure would be satisfactory and welcomed.

I implore the Board to maintain the integrity of our tiny Village of Lake Park. I would also request that Nadia DiTommaso, Community Development Director, include this correspondence with the development application as part of the public record.

Thank you for your consideration in this matter.

Sincerely,
Elizabeth Ranker
1010 Lake Shore Drive Apt 101
Lake Park, FL 33403

Community

FEB 23 2015

To: Town of Lake Park ~~Development~~
Planning and Zoning/Town Commission
ATTN: Nadia DiTommaso, Community Development Director

Date: 2/18/2015

From: Bay Reach Condominium Owner (abutter) BAY REACH,
1030 Lake Shore Drive, # 104, Lake Park, FL 33403

Re: Earl Stewart Toyota Expansion Application and Certified Letter of 1/15/15

In response to the referenced expansion of Earl Stewart Toyota, I have strong concerns:

Lake Park Future- The original Vision of the town developers of Lake Park as a coastal community of great beauty (the Marina, Kelsey Park, landscaping, low buildings, etc.) has been lost in this rapid Application Process. The land in question is directly across from Lake Worth and Lake Shore Drive. It is valuable and strategic in its location and importance to the Town's future. Is this flagship project in the best interests of the future vision of Lake Park? The answer requires time for a broad and honest analysis.

Incompatibility - The project conflicts with the existing architecture, mass, height, and use of the Lake Shore Drive area. It is directly across Lake Shore from Bay Reach, and results in a building wall nearly 50 feet high that runs 3 city blocks (about 1000 feet). It will be as if a cruise ship has docked 100 feet from my home. The western view, light, breeze, and open ambience will be greatly impacted by this sterile, unnatural feature.

Safety -The project will introduce a dangerous increase of commercial truck, van, and car traffic onto Lake Shore Drive, which was designed for residential use in a residential neighborhood and is only 2 lanes wide. The resulting traffic congestion, inconvenience, and safety hazards will strongly impact the resident population who regularly use Lake Shore Drive as drivers, bicyclists, and pedestrians. Earl Stewart car carrier trucks currently park illegally in the center of Lake Shore Drive while they await offloading.

E. Jasmine ROW- The project proposes a new access along Lake Shore Drive. Therefore, the project will potentially have 3 access points on Lake Shore Drive (existing one just south of Castlewood intersection, the proposed abandonment of E. Jasmine, and the new one). Lake Shore Drive is a residential street in its origins and nature, and is not a commercial highway, as is Federal Highway. US 1 should have all the traffic. Because of the Safety concerns of Item (2) above, I request that the Township evaluate: Conditioning the E. Jasmine Drive ROW Abandonment Agreement to require:

- A. Project will have NO Lake Shore Drive access points, and will close existing ones.
- B. Allow no vehicle parking, standing, loading, or unloading related to the Earl Stewart commercial establishment to take place on Lake Shore Drive.

Please have these concerns researched and considered before any Approval is made, and include this letter as part of the Public Record of the Earl Stewart Application.

Sincerely,

Bay Reach Resident and Homeowner

Patricia Spontak

Community

February 2015

Development

To: Town of Lake Park
Planning and Zoning/Town Commission
ATTN: Nadia DiTommaso, Community Development Director

Date: 2.20.2015

From: Bay Reach Condominium Owner (abutter) Gileen Chapman
1130 Lake Shore Drive, # 203, Lake Park, FL 33403

Re: Earl Stewart Toyota Expansion Application and Certified Letter of 1/15/15

In response to the referenced expansion of Earl Stewart Toyota, I have strong concerns:

Lake Park Future- The original Vision of the town developers of Lake Park as a coastal community of great beauty (the Marina, Kelsey Park, landscaping, low buildings, etc.) has been lost in this rapid Application Process. The land in question is directly across from Lake Worth and Lake Shore Drive. It is valuable and strategic in its location and importance to the Town's future. Is this flagship project in the best interests of the future vision of Lake Park? The answer requires time for a broad and honest analysis.

Incompatibility - The project conflicts with the existing architecture, mass, height, and use of the Lake Shore Drive area. It is directly across Lake Shore from Bay Reach, and results in a building wall nearly 50 feet high that runs 3 city blocks (about 1000 feet). It will be as if a cruise ship has docked 100 feet from my home. The western view, light, breeze, and open ambience will be greatly impacted by this sterile, unnatural feature.

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- A. Project will have NO Lake Shore Drive access points, and will close existing ones.
- B. Allow no vehicle parking, standing, loading, or unloading related to the Earl Stewart commercial establishment to take place on Lake Shore Drive.

Please have these concerns researched and considered before any Approval is made, and include this letter as part of the Public Record of the Earl Stewart Application.

Sincerely,

Bay Reach Resident and Homeowner

Gileen Chapman

1130 Lakeshore Dr
Unit 203

Community

FEB 23 2015

To: Town of Lake Park

Date: 2-20-15

Development

ATTN: Nadia DiTommaso, Community Development Director

From: Bay Reach Condominium Owner (abutter) John V. Cecere
1045 Lake Shore Drive, # 206, Lake Park, FL 33403

Re: Earl Stewart Toyota Expansion Application and Certified Letter of 1/15/15
and Planning and Zoning Commission Meeting of 2/2/15

In response to the Earl Stewart Expansion, I have real concern that the original concept of Lake Park as a seaside community is being pushed aside by commercial interests along Federal Highway, to the future detriment of the Township. Specific concerns are:

1. Future Land Use -My home is in Bay Reach, across Lake Shore Drive from Earl Stewart Toyota and the proposed expansion. Bay Reach is in an historically residential zoned area bordering Lake Worth. Approval of this project sets a precedent for expanding the Federal Highway commercial corridor through to the western side of Lake Shore Drive. It will diminish the Residential part of the intended Future Land Use (FLU) designation of this Commercial/Residential strip between Lake Shore Drive and Federal Highway. In this area between Palmetto Drive and Greenbriar Drive (N side of Kelsey Park), the Earl Stewart expansion will itself occupy about 60% of the real estate, and will bring the total Commercial component in this area to about 80%. Residential component will be 20%. This does not appear to be a healthy, balanced approach to mixed land use.

2. Earl Stewart Toyota has grown dramatically at this location in Lake Park, and he is now the top dealer in the County. The Application requests to expand a car dealership and seeks approval for special exception use of a vehicle sales establishment. The description of a 5 story garage, 1400 parking spaces, 48 service bays, paint shop and car wash indicates a business that has grown beyond local retail sales into the areas of a car distributorship to other dealers, and fleet servicing and repair. Lake Park should expect large increases in volume of traffic, activity, noise, waste, and pollution with this project, which seems more suitable for a Light Industrial zone, rather than a residential one.

3. The project will greatly increase commercial Traffic on Lake Shore Drive (which is a residential street), and will result in unsafe conditions. I ask that the Township condition the E. Jasmine ROW Abandonment so as to prevent any new project access from Lake Shore Drive, to close all existing access from Lake Shore Drive, and to prevent any commercial use of Lake Shore Drive by the Earl Stewart Applicant for parking, etc.

Please evaluate and consider these specific concerns before any Approval decision. Please include this letter as part of the Public Record of the Earl Stewart Application.

Sincerely, John V. Cecere, Lake Park Resident and Homeowner

Community

FEB 23 2015

To: Town of Lake Park **Development**
Planning and Zoning/Town Commission
ATTN: Nadia DiTommaso, Community Development Director

Date: 2/20/15

From: Bay Reach Condominium Owner (abutter) Lore A. Scher
1050 Lake Shore Drive, # 204, Lake Park, FL 33403

Re: Earl Stewart Toyota Expansion Application and Certified Letter of 1/15/15
Note: Please include my Letter in the Public Record of this Application

As a homeowner whose property is directly across Lake Shore Drive from the Earl Stewart project, I have strong concerns regarding the projects local and general impact:

1. The **historic origins of Lake Park** included designing a community to emphasize its beautiful coastline. The buildings, landscaping, zoning, and development promoted this concept. This particular Application seems to ignore the very essence of Lake Park. The land in question is directly across from Lake Worth and Lake Shore Drive, and is very historic, valuable, and strategic in its location and importance to the Town. The project represents an intrusion into our residential area, bringing heavy traffic and a huge commercial footprint of concentrated car dealership activity. It sets a precedent for further large projects in the area between Federal Highway and Lake Shore Drive that will overcome the intended residential component of that area. It will negatively affect the Safety, Quality of Life, Property Values, and Health of the Residents.

2. The Applicant directly states that there are **NO Historic Resources** that would be affected by the proposed development. This is a completely erroneous statement, and shows a disregard for the Lake Park community that they are part of and will affect:

To paraphrase Lake Park's own website: (lakeparkflorida.gov)

Lake Park Historic Structures – Lake Park retains the original layout planned by the Olmstead Brothers. Lake Park was called “The Jewel of the Palm Beaches” and reflects the desirable quality of life envisioned by the town founders in 1923.

It emphasizes the historic Lush Landscaping, Sails in the Marina, and town atmosphere. The site was Kelsey's favorite spot on Lake Worth. Kelsey brought in the famous Olmstead Brothers, premier architects of the time. Other notable Olmstead firm projects include White House grounds, National Mall, Jefferson Memorial, and New York's Central Park, Chicago 1893 Worlds Fair, and the Bok Tower in Lake Wales, Florida.

In 1939, the street names were changed to names of flowers and trees. The original zoning was residential from Lake Worth to 5th St. (4 blocks West of Federal Highway). I ask that the nearby Historic community of Lake Park be given more consideration in relation to the project. Even the abandonment of E. Jasmine has historical significance.

No Historic Resources indeed!! The Applicant appears to be quite blind!

Sincerely, Lore Scher, Bay Reach Homeowner

Community

FEB 19 2015

To: Town of Lake Park **Development**
Planning and Zoning/Town Commission
ATTN: Nadia DiTommaso, Community Development Director

Date: 2/18/2015

From: Bay Reach Condominium Owner (abutter) BAY REACH,
1015 Lake Shore Drive, # 104, Lake Park, FL 33403

Re: Earl Stewart Toyota Expansion Application and Certified Letter of 1/15/15
and Planning and Zoning Commission Meeting of 2/2/15

In response to the Earl Stewart Expansion, I have real concern that the original concept of Lake Park as a seaside community is being pushed aside by commercial interests along Federal Highway, to the future detriment of the Township. Specific concerns are:

1. Future Land Use -My home is in Bay Reach, across Lake Shore Drive from Earl Stewart Toyota and the proposed expansion. Bay Reach is in an historically residential zoned area bordering Lake Worth. Approval of this project sets a precedent for expanding the Federal Highway commercial corridor through to the western side of Lake Shore Drive. It will diminish the Residential part of the intended Future Land Use (FLU) designation of this Commercial/Residential strip between Lake Shore Drive and Federal Highway. In this area between Palmetto Drive and Greenbriar Drive (N side of Kelsey Park), the Earl Stewart expansion will itself occupy about 60% of the real estate, and will bring the total Commercial component in this area to about 80%. Residential component will be 20%. This does not seem to be a healthy, balanced approach to mixed land use.
2. Zoning - Earl Stewart Toyota has grown dramatically at this location in Lake Park, and he is now the top dealer in the County. The Application requests to expand a car dealership and seeks approval for special exception use of a vehicle sales establishment. The description of a 5 story garage, 1400 parking spaces, 48 service bays, paint shop and car wash indicates a business that has grown beyond local retail sales into the areas of a car distributorship to other dealers, and fleet servicing and repair. Lake Park should expect large increases in volume of traffic, activity, noise, waste, and pollution with this project, which seems more suitable for Light Industrial zoning, rather than Residential.
3. Safety - The project will greatly increase commercial Traffic on Lake Shore Drive (which is a residential street), and will result in unsafe conditions. I ask that the Township condition the E. Jasmine ROW Abandonment so as to prevent any new project access from Lake Shore Drive, to close all existing access from Lake Shore Drive, and to prevent any commercial use of Lake Shore Drive by the Earl Stewart Applicant for parking, etc.

Please evaluate and consider these specific concerns before any Approval decision.
Please include this letter as part of the Public Record of the Earl Stewart Application.

Sincerely, Ashley Van Dordale, Lake Park Resident and Homeowner



**TOWN LAKE OF PARK
PLANNING & ZONING BOARD
MEETING DATE: FEBRUARY 2, 2015
*CONTINUED TO MARCH 2, 2015***

STAFF REPORT

APPLICATIONS:

(1) AN AMENDMENT TO THE EARL STEWART TOYOTA PLANNED UNIT DEVELOPMENT (PUD) TO EXPAND ITS BOUNDARIES (REZONING) AND (2) SITE PLAN FOR THE EXPANSION OF THE DEALERSHIP AND THE SPECIAL EXCEPTION USE OF A VEHICLE SALES ESTABLISHMENT .

HISTORY: The Earl Stewart Toyota vehicle sales dealership was constructed in the mid to late 1970's on 4.47 acres of property with the address of 1215 North Federal Highway (the Site). The original development of the Site also included a 14,200 square foot Park Center hardware store. The old dealership and Park Center Hardware remained until 2003 when the Property was approved as a PUD by the Commission's adoption on May 21, 2003 of Ordinance 14-05-03. This resulted in the redevelopment of the Site as it exists today. The ordinance creating the PUD included these waivers to the land development regulations of the Code: (1) a display parking setback of 15 feet instead of 25 feet; (2) to allow for the spacing of shade trees along Federal Highway to be 30 feet instead of 20 feet; (3) the elimination of wheel stops; (4) no planters on the roof of the garage; (5) to allow a 40-foot freestanding monument sign to replace the then conforming 15-foot freestanding monument sign. The code allows a maximum 10-foot height for monument signs; therefore, the application proposes to remove this second existing monument sign and replace it with a 10-foot compliant sign.

In 1969 the Commission approved the development of a 2.23 acre parcel with an address of 1017 Federal Highway. This property is located immediately to south of the Earl Stewart Toyota dealership. The Commission's approval authorized the development of a 111-unit hotel known as the Journey's Inn, and a 2,150 square foot restaurant known as the El Colonial. The applicant agreed to demolish the Journey's Inn and Colonial restaurant in exchange for the "temporary" use of the 2.23-acre parcel for vehicular storage and the placement of an office trailer thereon while the applicant finalized plans for the expansion of the dealership. Since then, this "temporary" use has been extended several times, each time predicated on the applicant's preparation of a site plan for the expansion of the dealership.

Together with the applicant's 2004 application to expand the dealership, he submitted an application to abandon East Jasmine Drive as a public right-of-way. The purpose of the abandonment application was to acquire the right of way to allow for the expansion of the dealership on to the property which was formerly occupied by Journey's Inn and the Colonial restaurant Resolution 43-07-04 approved the abandonment with conditions. However, the applicant did not meet the conditions associated with the abandonment and as a result the abandonment became null and void. Accordingly, East Jasmine Drive remains a public right-of-way.

SUMMARY OF APPLICANT'S REQUEST: Urban Design Kilday Studios ("Applicant") as the authorized agent for Earl Stewart Toyota and Commercial Investments LLC (together referred to herein as "Owner") is again proposing to expand the dealership onto the 1017 property. (The dealership operates out of 1215 Federal Highway, which is owned by Earl Stewart, LLC and pursuant to the 2004 approval uses 1017 Federal Highway (the former Journey's Inn/Colonial restaurant property), owned by Commercial Investments, LLC ("Property Owner") to store and display vehicles used by the dealership.

The Applicant is requesting to amend the existing PUD to include the East Jasmine right-of-way, once abandoned, and the 1017 Federal Highway property within its boundaries. The applicant then proposes to develop the amended PUD in three development phases. The first phase includes a 3 story extension of the existing dealership building onto part of East Jasmine Drive. The extension will create space for an interior car wash, interior preparation area, interior service bays, interior offices, and vehicle display and parking areas. The second phase is focused on the creation of interior office spaces from the shell area of the 3 story extension to be developed in phase 1. Phase 3 proposes the development of a new parking garage on the existing 1017 Federal Highway parcel with additional parking and display areas for a total proposed height on the southeast side of 34.5 feet.

The applicant has submitted an Abandonment Application. Prior to the approval of the PUD, the abandonment of East Jasmine Drive together with its fair market value compensation and public benefit justification will have to be reviewed and approved by the Town Commission.

Since the applicant proposes to extend the boundaries of the existing PUD to other properties, these properties will also need to be rezoned to PUD. If the abandonment and rezoning are approved, the Applicant may then proceed with the site plan for the PUD. The applicant must also submit an application for a special exception use of "vehicle sales establishment" for the property encompassed within the PUD. Finally, the applicant will be required to replat the Site.

BACKGROUND:

Applicant(s): Urban Design Kilday Studios on behalf of Earl Stewart
Toyota/Commercial Investments LLC

Address/Location: 1215 Federal Highway / 1017 Federal Highway

Owner(s):

1215 Federal Highway: Earl Stewart, LLC
1017 Federal Highway: Commercial Investments, LLC

Net Acreage:

1215 Federal Highway: 4.4652 acres
1017 Federal Highway: 2.2256 acres

Legal Description:

1215 Federal Highway: STEWART TOTOYA ALL OF PLAT (see survey)
1017 Federal Highway: KELSEY CITY LTS 1 TO 11 INC /LESS W 20 FT
RD R/W/ & LTS 12 TO 22 INC BLK 121 (see
survey)

Existing Zoning:

1215 Federal Highway: Planned Unit Development (PUD) with underlying
Commercial-1 Business District (C-1)
1017 Federal Highway: Commercial-1 Business District (C-1)

Future Land Use:

1215 Federal Highway: Commercial/Residential
1017 Federal Highway: Commercial/Residential

Figure 1: Aerial View of Existing Site
(image not to scale; for visual purposes only)

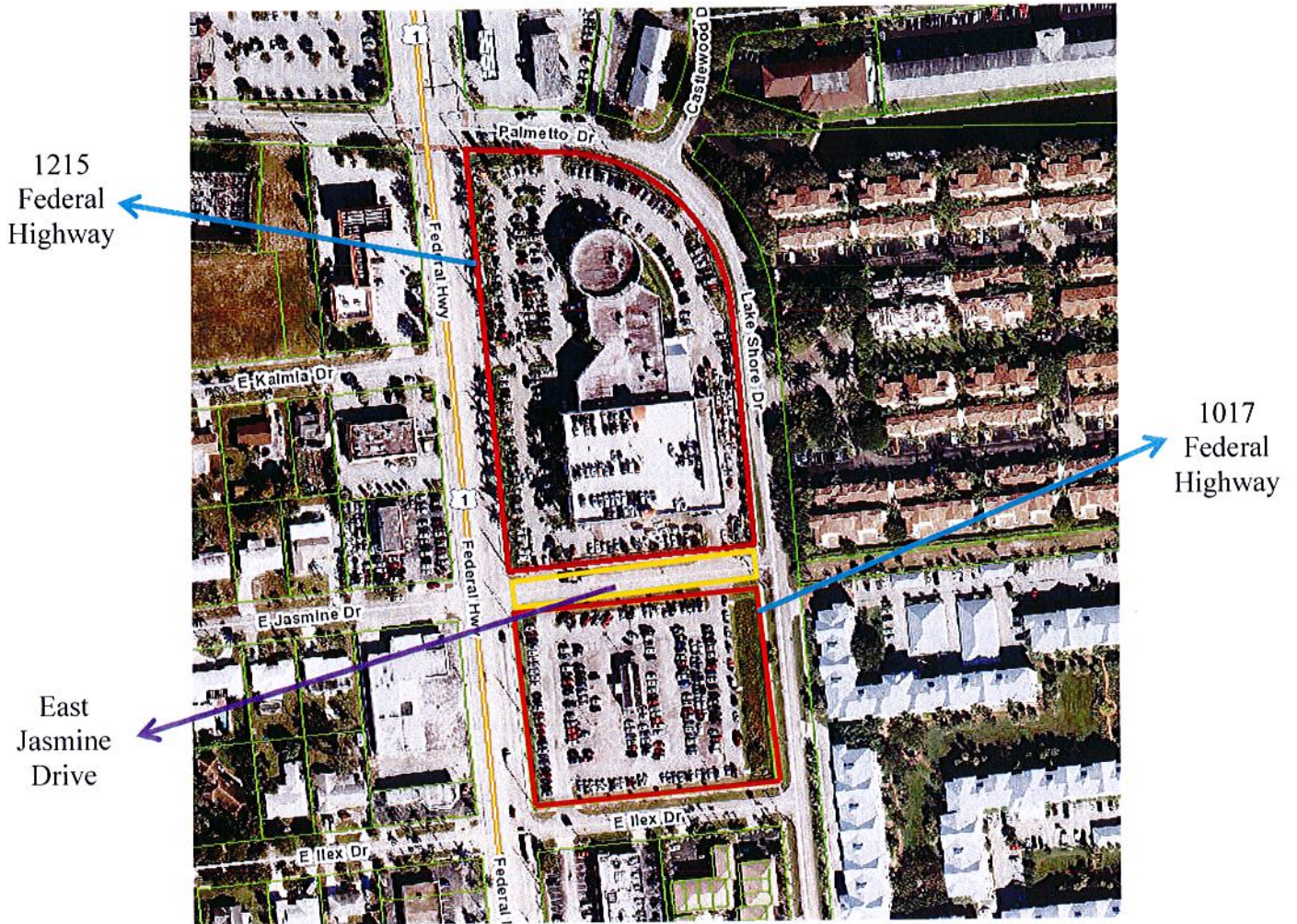
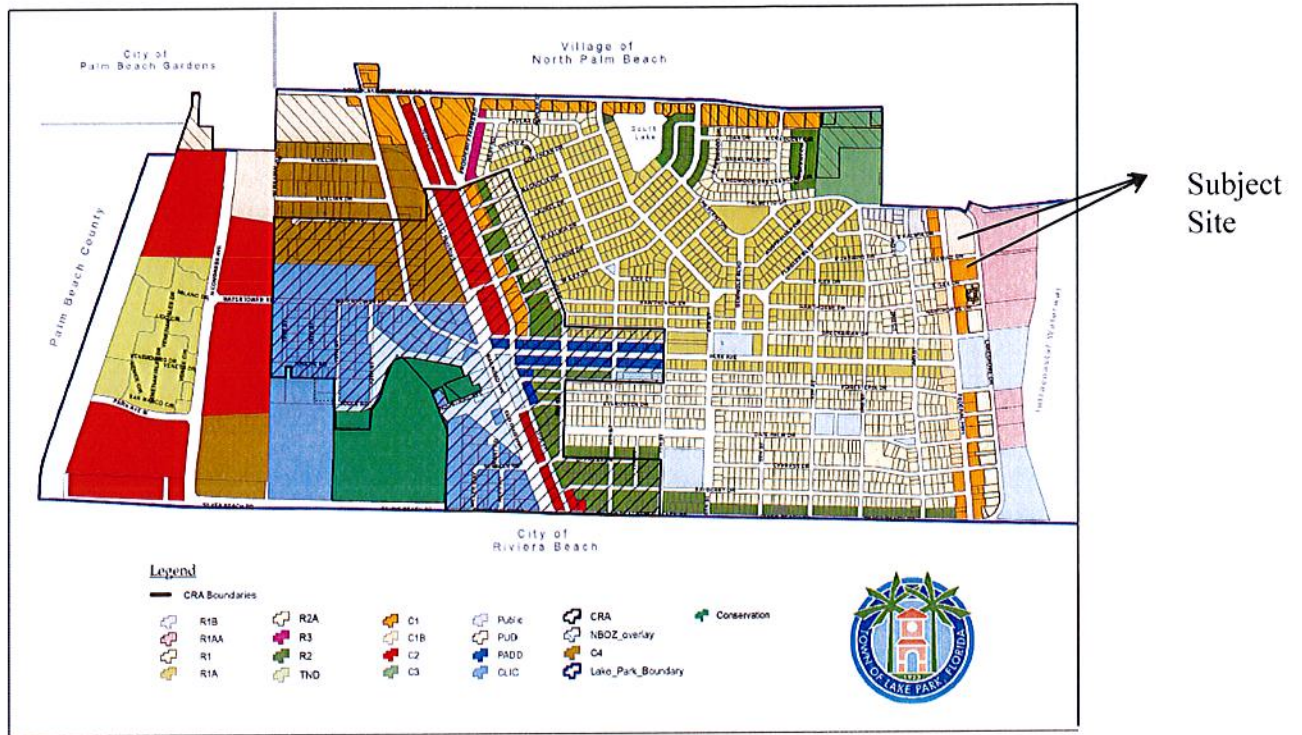


Figure 2: Aerial Image of Site with Proposed Boundaries



LAKE PARK ZONING MAP



06-07-2012

Lake Park Zoning Map

0 0.1 0.2 0.4 0.6 0.8 1 Miles

Approved: Thomas J. Director
 Community Development Department
 835 Park Ave., Lake Park, FL 32909
 888-681-1316 888-697-7123 Fax:
 888-681-1316 888-697-7123

Adjacent Zoning

1215 Federal Highway:

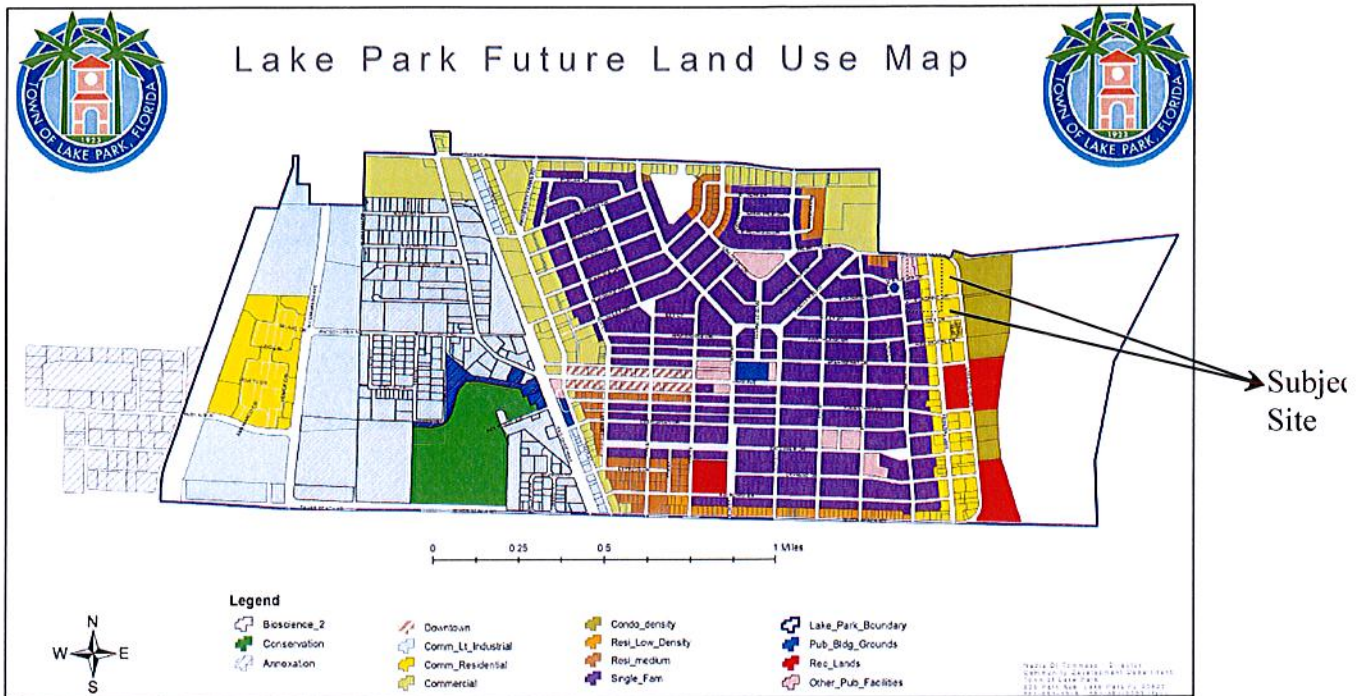
North: Village of North Palm Beach

South: Commercial 1 (C-1) Business District/Residential-2A

East: Residential 1AA

West: Commercial 1 (C-1)/Commercial 1B Business District

LAKE PARK FUTURE LAND USE MAP



Adjacent Existing Land Use

1215 Federal Highway:

North: Village of North Palm Beach

South: Commercial/Residential

East: Condo Density

West: Commercial/Residential

PART I: APPLICATION FOR REZONING

The Application to expand the PUD boundaries to include the property at 1017 Federal Highway and the East Jasmine Drive right of way (assuming it is abandoned) necessitates the rezoning of these two properties.

Consistency with Town Zoning Code:

The Applicant has applied to rezone the East Jasmine Drive right-of-way, and the parcel immediately south of the right of way, having an address of 1017 Federal Highway. The rezoning is necessary in order to incorporate these properties into the PUD zoning designation which has been assigned to the Earl Stewart Toyota property. The Applicant must also receive the Commission's approval of a special exception use for the expansion of the vehicle sales use to the right-of-way and the property at 1017 Federal Highway.

Consistency with the Town's Comprehensive Plan:

The Site has a "Commercial/Residential" land use designation which allows for commercial only developments without a residential component. The proposed expansion of the vehicle sales dealership is consistent with the future land use designation.

PART I: APPLICATION FOR A SPECIAL EXCEPTION USE

ANALYSIS OF SPECIAL EXCEPTION CRITERIA

Section 78-184 of the Code sets forth the criteria which must be met to entitle an applicant to a Special Exception use. There are six criteria, all of which must be met. **Note: Staff's analysis of the criterion are in bold.**

1. Is the proposed Special Exception Use consistent with the goals, objectives, and policies of the Town's Comprehensive Plan?

Staff has determined that the proposed use is consistent with the following Objectives and Policies of the Future Land Use Element of the Town's Comprehensive Plan:

Policy 1.5:

The Town shall encourage development and redevelopment activities which will substantially increase the tax base while minimizing negative impacts on natural and historic resources, existing neighborhoods and development, and adopted Levels of Service (LOS) standards.

The redevelopment of 1017 Federal Highway as part of the expansion of Earl Stewart Toyota will increase the value of this now vacant property and add to the Town's overall tax base. There are no natural or historic resources which would be adversely affected by the redevelopment. The expansion of the dealership at this location would not adversely affect the surrounding neighborhood. Palm Beach County's Traffic Division has confirmed that the expansion of the vehicle sales use, including the redevelopment of 1017 Federal Highway meets the County's Traffic Performance Standards, and is within the adopted Level of Service Standard (LOS).

"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.

The proposed expansion of the special exception use promotes infill development in a manner that is consistent with the commercial uses of the Federal Highway corridor and does not negatively affecting the existing neighboring residential and commercial uses.

Policy 5.2:

The Town shall foster the redevelopment of declining neighborhoods, underutilized parcels, and areas that demonstrate substandard and/or slum and blight conditions.

The property at 1017 Federal Highway is currently underutilized as it vacant because of the demolition of the Journey's Inn and Colonial restaurant structures. The redevelopment of this lot will result in an increase in the value of the Earl Stewart dealership and possibly the surrounding area.

CRITERIA MET.

2. Is the proposed Special Exception Use consistent with the Town's land development regulations and all other portions of this Code?

Phases 1-3 of the proposed Site Plan meet the Land Development Regulations of the Town Code both for the PUD and underlying C-1 district requirements.

CRITERIA MET

3. Is the proposed Special Exception Use 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?

The special exception use of vehicle sales is consistent with the character of the other retail uses within the C-1 Business District along the Federal Highway between Palmetto Drive and East Ilex Drive. Palm Beach County's (PBC) Traffic Division has issued a Traffic Performance Standards (TPS) letter verifying that the amount of traffic expected to be generated from Phases 1-3 is within the LOS. The redeveloped dealership buildings and the new building to be constructed on 1017 Federal Highway will be compatible with the character and uses of the surrounding properties as well as the Town's Architectural Guidelines.

CRITERIA MET

4. Will the proposed Special Exception Use on the Site create a concentration or proliferation of the same or similar type of use, which may be detrimental to the development or redevelopment of the area?

The expansion of the existing vehicular dealership use is not likely to cause a concentration or proliferation such uses in this area of the Town because of the acreage required for such uses. The relatively small lot sizes along this area of Federal Highway would require someone to purchase multiple lots and aggregate them so as to make the development of another vehicular dealership economically viable.

CRITERIA MET

5. Will the proposed Special Exception Use 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;

Once redeveloped there will be a modest increase of employees. It might also be anticipated that the Applicant will have more inventory for sale. This may result in more customers visiting the dealership, and more purchases

of vehicles. This may also result in an increase in activity at the repair facility however, there will be a larger land area to accommodate these increases.

CRITERIA MET

- b. The degree of noise, odor, visual, or other potential nuisance factors generated by the special exception use.

All uses, including the car wash and service bays provided in Phase 1, will be operated within an enclosed building. These uses are not expected to produce excessive noise, odors, or other types of nuisances.

CRITERIA MET

- c. The effect on the amount and flow of traffic within the vicinity of the proposed special exception use.

Palm Beach County's Traffic Engineering Division has verified that the projected traffic upon the affected roadways of the redevelopment meets the County's Traffic Performance Standards.

CRITERIA MET

6. Does the proposed Special Exception Use:

- a. *Significantly* reduce light and air to adjacent properties?

The proposed Phase 1 Site Plan proposes the development of a 3 story building while Phase 3 proposes the construction of a parking garage with an overall height averaging 35 feet. The PUD allows a maximum 50 feet in height. Since the current Site has a one story building on one lot and no permanent structure on the other, there will be a significant increase in the massing and height of the structures on these properties as compared to what currently exists. The increased height can be expected to result in a reduction of light and air to the adjacent properties however, a shadow study has been submitted to evidence the shadow overspills which will be limited to the right-of-way for the most part. The condominiums directly east of the Site are three stories. The one story buildings on the west side of Federal Highway are separated from the Site by 77 feet of public right of way. The Town's PUD regulations allow for a PUD to build up to 4 stories or 50 feet. The Applicant incorporated the necessary architectural features per the code's minimum requirements.

CRITERIA MET

- b. Adversely affect property values in adjacent areas.

The proposed development is not expected to adversely affect property values in the adjacent areas.

CRITERIA MET

- c. Deter the improvement, development or redevelopment of surrounding properties in accord with existing regulations.

The proposed Special Exception Use would not be a deterrent to the improvement, development or redevelopment of surrounding properties. It may promote the redevelopment of other sites.

CRITERIA MET

- d. Negatively impact adjacent natural systems or public facilities, including parks and open spaces.

The proposed Site is not immediately adjacent to any naturally systems or public facilities that would be impacted and is not expected to negatively impact any natural systems.

CRITERIA MET

- e. Provide pedestrian amenities, including, but not limited to, benches, trash receptacles, and/or bicycle parking.

The Site Plan shows a continuation of the interior pedestrian walkways and proposes trash receptacles, bike racks, as well as additional benches at appropriate locations on the Site.

CRITERIA MET

PART II: APPLICATION FOR THE AMENDMENT OF THE PUD

Section 78-77(2)(f) outlines the types of PUD amendments that require Town Commission's approval):

- *an increase in the square footage of any building more than ten percent*
- *an increase in the number of structures*
- *an increase in the building height by more than five feet*
- *any boundary changes*

- *any increase in traffic impacts that exceed 5% or 100 trips*
- *changes in architecture*
- *changes to a PUD phasing plan*

The Applicant's request to amend the PUD requires Commission approval.

Section 78-77(2)(c) of the Town Code requires a phasing schedule for all PUD's. The Applicant proposes 3 phases of development, as follows:

Phase 1

Commencement of Development: September 2016

Completion Date: September 2017

Phase 2

Commencement of Development: December 2017

Completion: December 2018

Phase 3

Commencement of Development: June 2020

Completion: December 30, 2021

Section 67-42 of the Town Code requires the commencement of development within 18 months of development approval and the completion of the development within 18 months of the commencement. The Applicant's proposed phasing plan of development, if followed would meet the requirement of Section 67-42.

The Applicant proposes to expand the boundaries of the PUD to include East Jasmine Drive and 1017 Federal Highway. Phase 1 increases the building footprint of the existing building. Phase 2 proposes the interior build-out of the office spaces constructed in Phase 1. Phase 3 adds an additional parking garage structure on the property to the south. The increased square footage of the Phase 1 plans account for additional accessory services such as a car wash and service bays. The increased square footage will result in a modest increase in traffic.

The applications amended PUD Master Plan has been reviewed by the Town's Consulting Engineer and Landscape Architect. Based upon their review and the review of the Community Development Department, the Staff finds that the amendments to the PUD Master Plan meet the Town's Land Development Regulations, and is consistent with the PUD's established Signage, Architectural Guidelines, and its Landscaping Plan.

SITE PLAN PROJECT DETAILS:

Building Site: The Site is proposing to expand onto the East Jasmine Drive right-of-way and onto the 1017 Federal Highway lot, in three (3) Phases. Phase 1 of the plan is proposing additional showroom space for used-car vehicular sales, with additional accessory service bays and car wash area, as well as a 3rd story shell for future office space use, which slightly encroaches onto the existing East Jasmine Drive right-of-way. Phase 2 proposes the interior build-out of the 3rd story shell for office space proposed in Phase 1. Phase 3 proposes a parking garage located on the 1017 North Federal lot with an overall height of 34.5 feet on the southeast side and a total square footage of 96,225 sq. ft.

Site Access: The amendment to the Master Plan shows 5 access points: two off of Federal Highway; one off East Ilex Drive; one off of Lake Shore Drive; and one off of Palmetto Drive.

Traffic: The Applicant has received confirmation from the County's Traffic Engineering Division which confirms that there is adequate capacity on the roadways to serve the Site.

Landscaping: All three phases of the proposed Site Plan meet the Town's Landscaping Code Regulations. The Applicant's Landscaping Plan has been determined to be "satisfactory for Site Plan Approval" by the Town's consulting Landscape Architect and actually exceeds the minimum landscape requirement in certain areas, particularly the south buffer by providing 25 feet instead of the code required 15 foot width. This finding is predicated on the Applicant having been previously given 3 waivers to the Town's minimum landscaping requirements: 1) To allow for an increase of spacing between trees to 30' along Federal Highway; 2) To waive the requirement for planters on the roof; 3) To waive the requirement for wheel stops or curbs for parking areas.

Drainage: The Town's Engineer has reviewed the Applicant's Paving and Drainage Plan for all Phases and has determined that it meets the engineering requirements for Site Plan review.

Lighting: The Photometric Plan does meet Town Code requirements as proposed.

Parking: Section 78-145(g)(3) of the Town Code requires the following breakdown of parking spaces for the use of vehicle sales establishments: 1 space for every 500 square feet of gross floor area (76 spaces); 1 space for every 4,500 square feet of outdoor storage (5 spaces); 1 space per service bay (48 spaces); 1 space per employee at maximum shift (75 spaces) which totals 204 spaces. American Disability Association (ADA) requires 1 space for every 25 spaces (9 spaces). The number of ADA spaces can be inclusive of the number of spaces provided. Therefore, the Applicant is proposing 204 spaces, inclusive of 9 ADA spaces. The Applicant's site plan meets the Town's minimum parking requirements.

Signage: The Applicant has submitted a proposed Master Signage Plan that is consistent with the Town's Sign Code. The Applicant is proposing a total of 4 monument signs, 3 of

which currently exist and 1 sign is new. The existing monument sign, on the corner of Palmetto Drive and Federal Highway, is 40 feet tall and previously received a waiver from the Town's Sign Regulations. The existing directional monument sign inside the parcel meets the Town's Sign Code. The existing 15' directional monument sign located off of the main entrance from Federal Highway exceeds the maximum permitted height currently allowed for monument signs. The Applicant has agreed to make the sign compliant by decreasing the height to 10' and therefore the approval requiring a reduction of this sign will be included in the Development Order. The Applicant is proposing an additional monument sign along Federal Highway. This sign is permitted by the Town Code.

The Applicant's Master Sign Plan indicates a wall sign of 728 square feet. This is within their 1074.75 square feet maximum permitted signage allowance per Code. Signage permits will be required.

Zoning: The proposed Site Plan is within a PUD zoning district and has an underlying C-1 zoning designation. The Site currently consists of two different parcels and a right of way; one parcel (1215 Federal Highway) is already within the PUD zoning district and the second parcel (1017 Federal Highway) as well as the East Jasmine Drive right of way must be rezoned as part of the PUD Site Plan Amendment to "PUD" with an underlying C-1 zoning designation. Abandonment approval of the public right-of-way is also required.

Water/Sewer: Staff has received confirmation from Seacoast Utilities Authority (SUA) that the Applicant's Site Plan is satisfactory for site plan approval subject to conditions it is requesting to be reflected on the building permits.

Design: The Applicant's proposed Elevation Plans for all three phases meets the Town's Architectural Guidelines.

Fire: The Palm Beach County Fire Rescue Dept. completed a preliminary site plan review of the proposed Site Plan and has no comments pertaining to the Site Plan. Palm Beach County Fire Rescue has indicated that it will be reviewing the plans in greater detail as part of the building permit review process at that time and will apply the most current codes available at the time of review.

PBSO: A Crime Prevention Through Environmental Design (CPTED) review was conducted by the Town Planner who is CPTED Certified. There are no outstanding comments.

PART III: STAFF RECOMMENDATION

- (1) Staff recommends **APPROVAL** of the rezoning of the East Jasmine Drive right-of-way and the property with a street address of 1017 Federal Highway to PUD with an underlying C-1 zoning designation.

- (2) Staff recommends **APPROVAL** of the proposed Special Exception Use of a vehicle sales establishment for the PUD.
- (3) Staff recommends **APPROVAL** of the amendment to the PUD Master Plan with the following conditions:

CONDITIONS

1. The Applicant shall develop the Site consistent with the following Plans:
 - a. Site Plan, Landscape Plans and Irrigation Plans referenced as sheets SP-1, LP-1 through LP-7, and IR-1 through IR-4; signed and sealed 02-18-15, prepared by Urban Design Kilday Studios; received and dated by the Department of Community Development on 02-18-15.
 - b. Survey referenced as drawing #D14-032; signed and sealed 3-26-14 and prepared by Lidberg Land Surveying; received and dated by the Department of Community Development on 02-18-15.
 - c. Phasing Plans referenced as sheets PH-1 (SP-1, A-2.0, A3.0, A4.0), PH-2 (SP-1, A-2.0, A3.0, A4.0), and PH-3 (SP-1, A-2.0, A3.0, A4.0); signed and sealed 02-18-15 and prepared by Glidden Spina & Partners; received and dated by the Department of Community Development on 02-18-15.
 - d. Sign Plan referenced as sheet PH-3 (SIGN); signed and sealed 02-18-15 and prepared by Glidden Spina & Partners; received and dated by the Department of Community Development on 02-18-15.
 - e. Photometric Plans referenced as sheets PH-1 (E-1 through E-3); signed and sealed 1-7-15 and prepared by Glidden Spina & Partners; received and dated by the Department of Community Development on 02-18-15.
 - f. Conceptual Engineering Plans referenced as drawings #1443PRE (sheets 1 of 2, and 2 of 2); signed and sealed 02-16-15 and prepared by McLeod, McCarthy & Associates; received and dated by the Department of Community Development on 02-18-15.
2. The driveway entrance along East Ilex Drive and Lakeshore Drive, including the entire East Ilex Drive and Lakeshore Drive right-of-way must not be used for loading/unloading or parking of vehicles at any time.
3. The Owners, the Applicant and their successors and assigns shall be subject to the Development Order and all conditions.
4. **This approval is contingent upon rezoning and right-of-way approval by the Town Commission.**
5. Construction of the improvements associated with the applications 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.
6. Any proposed disruption to the normal flow of traffic within the rights of way of North Federal Highway, Lakeshore Drive, Palmetto Drive, or East Ilex Drive as part of the

- construction of the Site, shall be subject to the review and approval of the Community Development Director and Public Works Director.
7. Should any disruption to the surrounding entrance/exit streets and parking areas along North Federal Highway, Lakeshore Drive or East Ilex Drive occur such that the daily operation of nearby businesses is adversely impacted, the construction activities shall cease until the Applicant has secured the written approval of the Director.
 8. 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 Town. The Owner/Applicant 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.
 9. The hedge material for the Site shall be maintained at five feet unless otherwise noted on the approved plans for the PUD.
 10. Safe and adequate pedestrian passage shall be maintained along the Site's entrances.
 11. The Owner shall ensure that any and all contractors use commonly accepted practices to reduce airborne dust and particulates during construction on the Property.
 12. 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.
 13. 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 Plan and the Landscaping Plan.
 14. The Site shall be platted prior to the issuance of any building permits.
 15. 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.
 16. 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.
 17. The Phasing schedule includes the following:
 - Phase 1 Commencement of Development – September 2016
 - Phase 1 Completion of Development – September 2017
 - Phase 2 Commencement of Development – December 2017
 - Phase 2 Completion of Development – December 2018
 - Phase 3 Commencement of Development – June 2020
 - Phase 3 Completion of Development – December 30, 2021

18. Cost Recovery. All fees and costs, including legal fees incurred by the Town in reviewing the Application shall be paid to the Town within 10 days of receipt of an invoice from the Town. Failure by the Owner/Applicant to reimburse the Town within the 10 day time period may result in the suspension of further review of plans or building activities, and/or the revocation of the approved Development Order.