



**TOWN OF LAKE PARK  
 PLANNING & ZONING BOARD  
 MEETING AGENDA  
 OCTOBER 5, 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
- Erich Von Unruh, Vice-Chair
- Martin Schneider
- Michele Dubois
- Ludie Francois
- Anne Lynch, Alternate

**APPROVAL OF AGENDA**

**APPROVAL OF MINUTES**

- Planning & Zoning Board Meeting Minutes of September 14, 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. **A SPECIAL EXCEPTION USE APPLICATION BY JOE BRACKEY, AGENT FOR LEASING OF SOUTH FLORIDA, LLC, FOR A “VEHICLE SALES AND REPAIR” USE LOCATED AT 131 FEDERAL HIGHWAY.**

## **COMMUNITY DEVELOPMENT DIRECTOR COMMENTS**

## **ADJOURNMENT**

**THE NEXT SCHEDULED PLANNING & ZONING BOARD MEETING WILL BE HELD ON MONDAY, NOVEMBER 2, 2015 AT 7:00 P.M.**



**TOWN OF LAKE PARK  
SPECIAL CALL  
PLANNING & ZONING BOARD  
MEETING MINUTES  
SEPTEMBER 14, 2015**

**CALL TO ORDER**

The Special Call 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	Present
Martin Schneider	Excused
Michele Dubois	Present
Ludie Francois	Excused
Anne Lynch, Alternate	Present

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

**APPROVAL OF AGENDA**

Chair Thomas requested a motion for the approval of the Agenda as submitted. Board Member Dubois made the motion, and it was seconded by Vice-Chair Von Unruh. The vote was as follows:

	<b>Aye</b>	<b>Nay</b>
Judith Thomas	X	
Erich Von Unruh	X	
Michele Dubois	X	
Anne Lynch	X	

**The Motion carried 4-0, and the Agenda was approved as submitted.**

**APPROVAL OF MINUTES**

Chair Thomas requested a motion for the approval of the August 20, 2015, Planning & Zoning Board Meeting Minutes as submitted. Vice-Chair Von Unruh made a motion for the approval, and it was seconded by Board Member Dubois. The vote was as follows:

	<b>Aye</b>	<b>Nay</b>
Judith Thomas	X	
Erich Von Unruh	X	
Michele Dubois	X	
Anne Lynch	X	

**The Motion carried 4-0, and the Minutes of the August 20, 2015, Planning & Zoning Board Meeting were approved as submitted.**

**PUBLIC COMMENTS**

Chair Thomas reviewed the Public Comments procedure.

**ORDER OF BUSINESS**

Chair Thomas outlined the Order of Business.

**NEW BUSINESS**

- A. AN APPLICATION BY THE PALM BEACH COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT (PBC DERM), APPLICANT AND AGENT OF THE LAKE PARK SCRUB NATURAL AREA LOCATED ON THE NORTH SIDE OF SILVER BEACH ROAD (APPROXIMATELY 0.35 MILES EAST OF CONGRESS AVENUE), TO CONSTRUCT A 5 CAR AND 1 BUS PARKING AREA, A CONCRETE NATURE TRAIL, A WILDLIFE OBSERVATION PLATFORM AND AT-GRADE HIKING TRAILS.**

**STAFF PRESENTATION**

Nadia DiTommaso, Community Development Director, addressed the P&Z Board and stated this Application is being brought forward by the Palm Beach County Department of Environmental Resources Management (PBC DERM), who acquired the site using Florida Forever matching funds through the Florida Communities Trust (FCT). The site's Zoning and Land Use is Conservation. Ms. DiTommaso stated Palm Beach County representatives are present and will be presenting their proposal upon conclusion of her summary. Ms. DiTommaso showed visuals and pointed out the site and its surrounding areas. She explained the Town entered into an Interlocal Agreement with Palm Beach County in 2003 to manage and maintain the Scrub Area pursuant to the Lake Park Scrub Management Plan, which was finalized in 2004. The Lake Park Scrub Management Plan called for the creation of a parking lot area; a paved ADA nature trail; a hiking

trail and an observation platform. In 2014, PBC DERM received correspondence from the FCT indicating they were in significant non-compliance of their Grant Contract since the intended public use facilities outlined in the future structure and improvement requirements of the 2004 Lake Park Scrub Manage Plan never moved forward, and consequently, PBC DERM submitted an Application for the required public use facilities. Ms. DiTommaso pointed out the various components on the Site Plan and noted a few important items, as follows:

- (1) The original intended parking lot area was on the north side, adjacent to the future Park Avenue Extension Road, however, since the Park Avenue Extension Road is not currently being built and is only in possibly the 5-10 year horizon at this point due to previous alignment issues, the parking lot is being proposed adjacent to Silver Beach Road. PBC DERM has coordinated their alignment with PBC Roadway Construction since Silver Beach Road is slated to be improved within the next 18-24 months. Ms. DiTommaso stated it is her understanding through conversations and correspondence received by the County that Dale Sugerman, the previous Town Manager, explained this parking lot location change to the Town Commission when it came up for discussion a couple of years ago, and the Commission understood the challenges with the Park Avenue Extension Road. However, Staff is recommending *Condition of Approval #1, which aims to ensure that a Park Avenue extension-side parking lot is incorporated upon the Extension Road being built on the northern part of the site.*
- (2) The Town has three responsibilities under the Management Plan and the Interlocal Agreement, as follows: (1) To empty the trash receptacles, however, the County is not proposing trash receptacles at this time; (2) To maintain the perimeter of the Scrub Area, however, the County has indicated through conversations that they are looking into working with their own contractor who is familiar with and has the adequate machinery to maintain the shrubs/plantings within the perimeter; (3) To open and close the entry gate (the area will be opened from sunrise to sunset, except for events by Special Permit). Ms. DiTommaso stated that upon discussing the Application with the Town's Public Works Department, *Condition of Approval #3 has been added, requesting that the gate is automated with a timer to eliminate the need for manual opening and closing.*
- (3) PBC DERM will be providing security to the site through the Palm Beach County Sheriff's Office Wild Lands Unit, with whom they are contracted.
- (4) The City of Riviera Beach reviewed the proposal and issued a Letter of Support.
- (5) The Town's consulting Engineer reviewed the proposal and requested that *Condition of Approval #5 be added requiring a pre-construction meeting to review the Maintenance of Traffic Plan; and various County permits.*
- (6) The parking area will meet the Town's dimensional requirements through permitting; and the proposed entry sign is exempt from the Town signage permit requirements, but keeps within the standard size used for other natural areas.

(7) No lighting is proposed for the Site since it is only open from sunrise to sunset.

## **STAFF RECOMMENDATION**

Ms. DiTommaso stated Staff has shared its recommendations with the County and is recommending approval, with Conditions #1 – #5, as outlined within the Staff Report.

## **APPLICANT PRESENTATION**

Daniel Bates, Deputy Director of Palm Beach County Department of Environment Resources Management (DERM), addressed the Board. Mr. Bates stated it is a simple access parking lot being proposed, as they try to keep the footprint of the parking lot as small as possible in order to maintain the natural/native features of the area. The trails are designed to work around the natural features of the area but also provide ADA access and a significant amount of access to the trails that go through the scrub area. Mr. Bates stated the Lake Park Scrub Area is one of their smaller sites and PBC DERM feels the size of the parking lot is adequate for the area. He stated they are willing to look at further access on the north end if and when the Extension Road gets put in, but at this junction they can provide access off of Silver Beach Road - not only to allow residents access to the site, but to accommodate the FCT. Mr. Bates stated that in recent times as the State is trying to take back public areas and sell them off to developers if they aren't being utilized, PBC DERM would like to ensure that the Conditions of the original Interlocal Agreement are being met to provide public access. Mr. Bates stated PBC DERM recently received the Conditions of Approval from the Town and they are fine with some, but others they have issues with, as follows:

- Automated gates are expensive and not consistent in their quality; people ram them and/or get stuck behind them when they close; and they need to be replaced often which is an expense.
- The parking lot is ADA designed and will have easy access to the ADA trails, however, placing a walkway out to a roadway where there is no sidewalk would be a sidewalk leading to nothing, which is an extra cost they are not prepared for, and they do not want to take up more of the natural area by having to redesign the drainage off of the parking lot or to add another walkway. They will work with Engineering regarding the widening of Silver Beach Road and maybe perhaps find a way to provide ADA access from the roadway to the parking lot at the time of construction for the rebuilding of Silver Beach Road, but they prefer not to have this as a Condition on the Application at this time.
- Mr. Bates questioned Condition #5(d) requiring a DERM permit, since they would essentially be getting a permit from themselves. Ms. DiTommaso stated this Condition was actually put in by the Town Engineer who had consulted with the PBC Engineer pursuant to permit requirements, but she will look into it for clarification.

## **BOARD DISCUSSION**

In response to Vice-Chair Von Unruh, Mr. Bates clarified the added cost and added footprint objection to Condition #4 which requires an ADA parking lot connection to the external entrance on Silver Beach Road. Ms. DiTommaso referred to the language in the second half of the Condition #4 which calls for the coordination of the connection with the PBC Roadway Construction Division handling the Silver Beach Road improvement plans, though the plans are currently in the design phase there is a proposal for the addition of an ADA sidewalk on the northern side of Silver Beach Road to the improvements. Ms. DiTommaso stated that the hope is when the plans do get constructed the ADA parking lot will have a connection to the ADA sidewalk that is put in place by Palm Beach County Roadway Construction Division. Mr. Bates stated this is not a high traffic parking lot and PBC would like to keep the footprint to a minimum. Mr. Bates stated there would be ADA access, but it would not be a separate ADA walkway. Ms. DiTommaso stated the Town's believes the public with ADA needs would be better served by having a separate ADA walkway/entry area. Vice-Chair asked the Town Attorney is there is a law requiring separate ADA walkway access into the Scrub Area. The Town Attorney responded the County is making the Park accessible through the parking lot, where most handicapped people would presumably arrive by vehicle. Mr. Baird stated there is no requirement by the Town or by State Statute which requires separate pedestrian access area to the park, and, from a liability perspective, the mixing of wheelchairs on a pathway with small vehicles, pedestrians, and bicycles could be of concern.

Vice-Chair Von Unruh questioned a north parking lot in the future; who monitors the amount of use in the Scrub Area; if there will be restrooms on site, and what type of gate PBC is recommending in lieu of an electronic gate. Mr. Bates responded there would be no restroom facilities on site, and PBC would like to place a standard steel gate with a lock, which the Town would be responsible for opening and closing, per the Interlocal Agreement. There was discussion about automated gates in Town, and if there has been issues with the maintenance. Vice-Chair Von Unruh asked Staff if PBC is willing to pay for the installation of the gate, would the Town be willing to pay for the maintenance of the gate to which Ms. DiTommaso responded it would need to be discussed internally. Mr. Bates stated that the County would be willing to install the gate should the Town agree to maintain it.

Board Member Lynch commented that she would prefer the Public Works Department be responsible for the opening and closing of the gate, since it is easier to have a manual gate without the worry of the gate getting stuck and also for security reasons. She questioned if a sidewalk would be part of the Silver Beach improvement, to which the Community Development Director responded yes. There was discussion about if side streets off of Silver Beach Road would be directly across from the Scrub Area parking lot, to which the response was no. Board Member Lynch stated her concern regarding the ingress/egress off of Silver Beach Road into the Scrub Area and asked if the County might consider placing a blinker light near the parking lot in order to help prevent accidents. Mr. Bates responded that he will bring it up with the Engineering Department. Board Member Lynch stated that she favors a north entrance into the Scrub Area.

Board Member DuBois asked if Staff could request the County to place a stop sign or speed bumps on Silver Beach near the site. Ms. DiTommaso responded Staff will have discussions with the County regarding the questions and concerns for signalization at the site expressed by the Board and residents.

Chair Thomas stated comments and concerns, as follows:

- Requested clarification of the site acreage and the width of right-of-way along Silver Beach Road. Ms. DiTommaso stated the right-of-way along Silver Beach Road on the Lake Park Scrub Area side has already been dedicated and PBC is not looking to take additional conservation land for the purpose of this Application. The parking lot is proposed in conjunction with the PBC Roadway Improvement Division's alignment which is in place, per the 65% Design Plan. Chair Thomas requested Staff have the actual right-of-way acreage/width along Silver Beach Road for Town Commission.
- Expressed concern with the lay-out of the parking lot which was initially proposed to the north and is now back to the south end of the site. Silver Beach Road has been on the MPO's backburner for the last 25 years and now we are looking to do improvements because the Town and the County are in jeopardy of losing the improvement grant funds because of being in violation of the Interlocal Agreement with FCT.
- Questioned if the placement of the parking lot along the southern boundary of the Scrub Area is a cost effective way of moving forward at this time. Chair Thomas stated she opposes placing the parking lot on the south and feels the parking lot should be constructed along the northern boundary on Joule Road as originally proposed, since Silver Beach Road is a safety hazard. Ms. DiTommaso stated the County chose to put the parking on the south side off of Silver Beach Road over Joules Road since Silver Beach Road is more traveled and visible, until such time as the connection is made to the Park Avenue Extension Road. Ms. DiTommaso pointed out the plans were reviewed by the County Engineer for engineering best practices in terms of the speed limit on Silver Beach Road, the entry point and turning radius, and were no safety issues/concerns were reported.
- Concern that the connection between the proposed driveway on the Lake Park Scrub Area and the future improvement of Silver Beach Road will create a 30' gap, and that there will be no deceleration lane. Mr. Bates stated when the parking lot is put in, it will be pavement to pavement. Ms. DiTommaso stated she can ask the engineer to revisit the plan to get an additional interpretation of the plan in regard to the deceleration lane. Chair Thomas stated she feels strongly that the Town should re-evaluate where the parking lot should go.
- Concern with security and asked who maintains the fencing. Mr. Bates stated that the County maintains the fencing.
- Questioned how do to discourage illegal dumping and the problem of off-road vehicular traffic. Mr. Bates stated the Wild Life Task Force pays for the PBSO to patrol the natural areas, which has been very effective.
- Suggested the allocation an easement for ADA connectivity to ensure that when improvements occur a sidewalk can be placed along Silver Beach Road.
- Questioned the construction timeline and grade elevation. Mr. Bates responded that construction needs to be completed within 6 months in order to meet the demands of the FCT, and stated the access point which is being proposed by the County is the only one feasible until the road extension is put into place due to the elevation change on the north



side, as well as keeping the footprint to a minimum in order to protect the natural resources of the site. Mr. Bates stated the FCT requires the parking area and the hiking trails and observation tower.

Board Member Von Unruh asked Mr. Bates if the Town were to require the parking lot be placed on the north side would the construction be able to be completed within 6 months, to which Mr. Bates responded no, due to there being no access on the north side. Board Member Von Unruh stated it could be accessed through Joule Road, and he is confused as to why the extension road is the hold up to putting in the north parking lot. Mr. Bates responded the originally proposed parking lot is along the Extension Road and it is not currently feasible due to elevation and natural resource issues.

Board Member Lynch stated she doesn't understand the resource issue and the resistance to build the parking lot on the north side on Joule Road and she feels that ingress/egress on Silver Beach Road will be a disaster. Additionally, the location of bus stops on Silver Beach Road is unknown and she is concerned about bus parking at the site and security at the site, which could open the Town up for liability.

Board Member Von Unruh suggested that alternative sites be considered and they should reassess the north parking lot. Mr. Bates responded that there are time constraints with the agreement to construct within 6 months and they would like to move forward with it.

## **PUBLIC COMMENTS**

- Lisa Davis Quine, a Silver Beach Road resident, addressed the P&Z Board and expressed her concerns regarding additional traffic on Silver Beach Road around Avenue "P" in Riviera Beach. Ms. Quine stated that an entrance from Congress Avenue might be a better alternative in order to prevent accidents.
- Town Manager John A'gostino addressed the Board and said Staff has held a series of meetings with PBC Engineers at the 65% Design Phase of the project and informed the Board there will be three (3) lanes on Silver Beach Road, and the existing road will become a back-up lane for Silver Beach Road residents. The Town Manager stated a portion of the conservation land will be taken out in order to accommodate the traffic flow which will alleviate the hazards of backing in and out. Regarding the concerns of the automatic gate being broken, Mr. A'gostino stated the reason is often from pebbles and stones being caught in the track, and that from the Town's perspective, there will not be a problem maintaining the gates on an as-needed basis.
- Betty Davis, a Silver Beach Road resident, addressed the P&Z Board and expressed her concern about the traffic on Silver Beach Road and requested signage indicating a hearing impaired resident on Silver Beach Road.
- Bernice Mosely, a Silver Beach Road resident, addressed the P&Z Board and expressed her concerns regarding traffic and the potential for accidents on Silver Beach Road.

Chair Thomas asked Ms. DiTommaso if Staff could write a letter to the County to assist with the Silver Beach Road resident's request for the placement of signage regarding a hearing impaired/disabled resident. Ms. DiTommaso stated she will relay the concerns to the County. The Town Attorney suggested that because Silver Beach Road is a County Road, that Palm Beach County Commissioner Taylor's Office be contacted so that she can assist with the request for signage on Silver Beach Road.

## **PLANNING & ZONING BOARD RECOMMENDATIONS**

Upon conclusion of the Board discussion, Chair Thomas asked for a motion from the Board. The Town Attorney clarified that Staff's recommendation is to recommend to the Town Commission the approval of the Site Plan Application by the County with the five (5) Conditions proposed by Staff.

### **MOTION #1:**

Vice-Chair Von Unruh made a motion for APPROVAL with the original Conditions proposed by Staff, however eliminating Condition #4 and including language to Condition #3 which explains the electronic gate will be installed and paid for by Palm Beach County and maintained by the Town, as well as the following additional conditions: →Prior to construction of the parking lot on the north side, Staff shall consult with its Engineer to determine/analyze safety measures to the entrance and incorporate those recommendations made by the Town's Engineer in the Site Plan, for which PBC would be responsible for the inclusion of the changes and to fund; →the Site shall have adequate signage and signalization alerting motor vehicles of the upcoming entrance/driveway approach to the Scrub Area along Silver Beach Road.

Chair Thomas asked for a second. There was no second, and therefore the motion died.

### **MOTION #2:**

Upon the failed previous motion, Board Member Lynch made a motion for APPROVAL with the original Conditions proposed by Staff, leaving Conditions #1, #2, and #5 as-is, and modifying Condition #3 to explain that the electronic gate will be installed by Palm Beach County and maintained by the Town; Condition #4 to provide a contingency whereby the issue should be re-examined by the Town's Engineer to determine the necessity of the ADA connection; and additional Conditions #6 and #7 should be added, as follows: Condition #6: Ingress/egress from Silver Beach Road should be evaluated/studied by the Town's Engineer to possibly consider a deceleration lane, and Condition #7: An additional evaluation of possible signage and signalization alerting motorists of the upcoming driveway approach to the Scrub Area should be performed by the Town's Engineer.

The vote was seconded by Vice-Chair Von Unruh, and the vote was as follows:

	<b>Aye</b>	<b>Nay</b>
Judith Thomas		X
Erich Von Unruh	X	
Michele Dubois		X
Anne Lynch	X	

The vote on the Motion was 2-2, and therefore the Motion failed.

**MOTION #3:**

Chair Thomas passed the gavel to Vice-Chair Von Unruh and made a motion for the DENIAL of the Application, with the recommendation that the Town and Palm Beach County jointly write a letter to FCT requesting an extension to build the parking lot, until which time a reasonable expectation for the construction of the parking lot and associated plan can be submitted.

The motion was seconded by Board Member Dubois and the vote was as follows:

	<b>Aye</b>	<b>Nay</b>
Judith Thomas	X	
Erich Von Unruh	X	
Michele Dubois	X	
Anne Lynch	X	

The Motion carried 4-0 and the Application was DENIED.

**COMMUNITY DEVELOPMENT DIRECTOR COMMENTS**

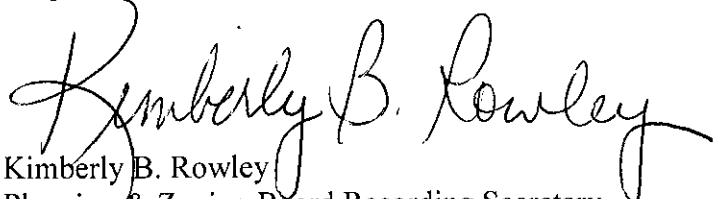
Ms. DiTommaso announced that flyers have gone out for the Community Workshop to be held on September 21, 2015 @ 6:00 p.m. in the Commission Chambers, and she encouraged members of the public to attend. The Workshop, which will be a Joint Meeting of the Town Commission and Planning & Zoning Board will be a discussion regarding mixed-use on the Federal Highway Corridor.

**ADJOURNMENT**

Prior to adjournment, Board Member Von Unruh asked Ms. DiTommaso how long she anticipates it will be before hearing back from the County on this issue. Ms. DiTommaso stated she will have a conversation with the County to see if they want to move this forward to the Town Commission in light of the recommendation of denial.

There being no further business before the Board, the Meeting was adjourned by Chair Thomas at 8:45 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  
Planning and Zoning Board  
Meeting Date: October 5, 2015**

**SPECIAL EXCEPTION APPLICATION FILED BY JOE BRACKNEY FOR  
THE SPECIAL EXCEPTION USE OF A JETSKI SALES, SERVICE AND  
RENTAL SHOP LOCATED IN THE C-1 BUSINESS DISTRICT**

**BACKGROUND INFORMATION:**

---

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

	<b>Adjacent Zoning</b>	<b>Adjacent Existing Land Use</b>
<b>North:</b>	C-1 Business District	Commercial Residential
<b>South:</b>	C-1 Business District	Commercial Residential
<b>East:</b>	R-2A Residential District	Commercial Residential
<b>West:</b>	C-1 Business District	Commercial Residential



Town of Lake Park  
Planning and Zoning Board  
Meeting Date: October 5, 2015

**FIGURE 1: Aerial View**





**Town of Lake Park  
Planning and Zoning Board  
Meeting Date: October 5, 2015**

**FIGURE 2: Town Zoning Map**

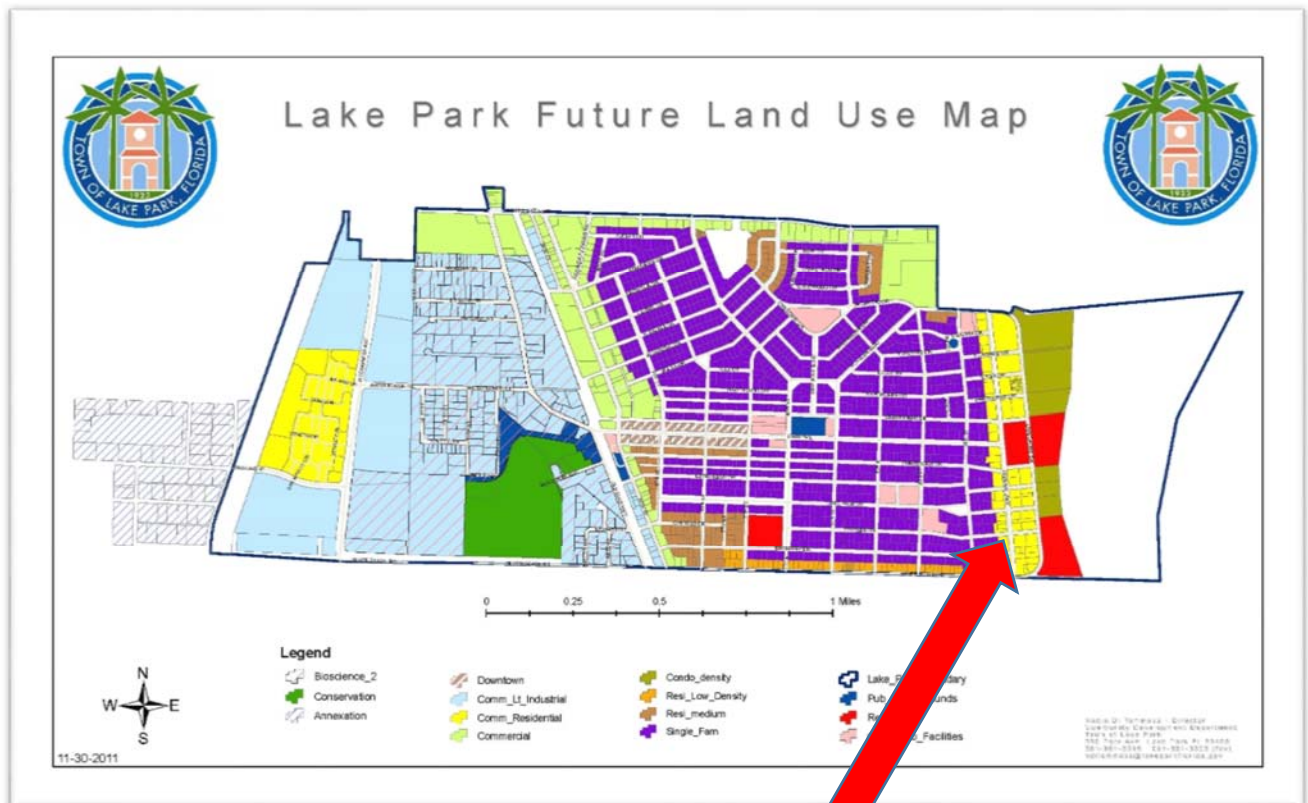


**Location of site**



**Town of Lake Park  
Planning and Zoning Board  
Meeting Date: October 5, 2015**

**FIGURE 3: Town Future Land Use Map (FLUM)**



**Location of site**





**Town of Lake Park  
Planning and Zoning Board  
Meeting Date: October 5, 2015**

**SUMMARY OF REQUEST:**

---

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

The Applicant will conduct all jet ski services within the designated indoor garage area and will store the jet ski's on outdoor storage racks located in the rear yard. Onsite parking is also provided in the rear of the building at 4 total spaces and 1 ADA space located in the front yard. Operating hours will be Monday through Friday 8:00am to 4:00pm and customers seeking service by JetTek are provided with a pick-up and drop-off service by a JetTek employee; customers are not permitted to drop off or pickup their jet skis. The facility is approximately 2,030 square feet and will be comprised as follows:

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

**Existing Conditions**

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



**Town of Lake Park  
Planning and Zoning Board  
Meeting Date: October 5, 2015**

**Figure 4: Panoramic view of site:**





Town of Lake Park  
Planning and Zoning Board  
Meeting Date: October 5, 2015

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





## ANALYSIS OF SPECIAL EXCEPTION CRITERIA

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

---

### Criteria 1

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

**Applicable Goals and Objectives:**

Chapter 3 Future Land Use, Objective 1, Policy 1.1:	j. Encourage redevelopment, renewal or renovation, that maintains or improves existing neighborhoods and commercial areas; l. Facilitates the achievement of economic development, historic preservation, resource preservation, and other key goals.
Chapter 3 Future Land Use, Objective 5:	As a substantially built-out community in an urbanized area, the Town shall promote redevelopment and infill development in a manner that is considerate to existing neighborhoods and uses, the built and natural environments, and neighboring jurisdictions.

***STAFF COMMENTS***

The proposed special exception use is consistent with the Comprehensive Plan since it will improve an existing commercial area with associated site improvements; facilitate economic development in and around the Town’s marina district; and, is making use of an existing property that is currently not utilized and had been vacant for several years.

***FINDING: CRITERIA MET***



**Town of Lake Park  
 Planning and Zoning Board  
 Meeting Date: October 5, 2015**

**Criteria 2:**

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

Parking 78-145(g)	The proposed special exception use will require 5 parking spaces inclusive of 1 ADA space as follows:																		
<table border="1"> <thead> <tr> <th data-bbox="441 569 813 642">Requirement</th> <th data-bbox="813 569 1170 642">Justification/calculation</th> <th data-bbox="1170 569 1490 642">Required parking spaces</th> </tr> </thead> <tbody> <tr> <td data-bbox="441 642 813 974"><i>One space for each 500 square feet of enclosed gross floor area.</i></td> <td data-bbox="813 642 1170 974">Office, reception and customer area is approximately 300 square feet. The remainder of indoor square footage is dedicated to the mechanics shop and storage.</td> <td data-bbox="1170 642 1490 974">1 parking space</td> </tr> <tr> <td data-bbox="441 974 813 1121"><i>One space per each 4,500 square feet of outdoor sales display and rental area.</i></td> <td data-bbox="813 974 1170 1121">There is not an outdoor sales display or rental area.</td> <td data-bbox="1170 974 1490 1121">0 parking spaces</td> </tr> <tr> <td data-bbox="441 1121 813 1194"><i>One space per service bay.</i></td> <td data-bbox="813 1121 1170 1194">There is one service bay in the building.</td> <td data-bbox="1170 1121 1490 1194">1 parking space</td> </tr> <tr> <td data-bbox="441 1194 813 1310"><i>One space per employee of the shift of largest employment.</i></td> <td data-bbox="813 1194 1170 1310">There are three employees at shift of largest employment.</td> <td data-bbox="1170 1194 1490 1310">3 parking spaces</td> </tr> <tr> <td colspan="2" data-bbox="441 1310 1170 1346" style="text-align: right;"><b>TOTAL</b></td> <td data-bbox="1170 1310 1490 1346"><b>5 PARKING SPACES</b></td> </tr> </tbody> </table>		Requirement	Justification/calculation	Required parking spaces	<i>One space for each 500 square feet of enclosed gross floor area.</i>	Office, reception and customer area is approximately 300 square feet. The remainder of indoor square footage is dedicated to the mechanics shop and storage.	1 parking space	<i>One space per each 4,500 square feet of outdoor sales display and rental area.</i>	There is not an outdoor sales display or rental area.	0 parking spaces	<i>One space per service bay.</i>	There is one service bay in the building.	1 parking space	<i>One space per employee of the shift of largest employment.</i>	There are three employees at shift of largest employment.	3 parking spaces	<b>TOTAL</b>		<b>5 PARKING SPACES</b>
Requirement	Justification/calculation	Required parking spaces																	
<i>One space for each 500 square feet of enclosed gross floor area.</i>	Office, reception and customer area is approximately 300 square feet. The remainder of indoor square footage is dedicated to the mechanics shop and storage.	1 parking space																	
<i>One space per each 4,500 square feet of outdoor sales display and rental area.</i>	There is not an outdoor sales display or rental area.	0 parking spaces																	
<i>One space per service bay.</i>	There is one service bay in the building.	1 parking space																	
<i>One space per employee of the shift of largest employment.</i>	There are three employees at shift of largest employment.	3 parking spaces																	
<b>TOTAL</b>		<b>5 PARKING SPACES</b>																	
<ul style="list-style-type: none"> <li>➤ Approval of this application is conditioned on the applicant providing 5 onsite parking spaces inclusive of 1 ADA space per the proposed site plan.</li> </ul>																			
Circulation 78-142(c)(10)(a)	<p>The Town engineer reviewed the proposed site plan for traffic circulation and found that it does not comply with best practices from an engineering point of view. Specifically, that the drive aisle and ingress to the rear yard located on the north side of the building is very narrow and is immediately adjacent the building. He recommended that access to the rear parking lot be closed to the public and used only by staff who will be experienced at maneuvering the corner.</p> <ul style="list-style-type: none"> <li>➤ Approval of this application is conditioned on the applicant providing valet parking to any visitors. Pursuant to their proposed site plan, a valet area on the north side of the building and a cross access agreement with 139 Federal Highway is required. The valet area will also serve as the temporary parking zone for couriers making deliveries to the site.</li> </ul>																		



**Town of Lake Park**  
**Planning and Zoning Board**  
**Meeting Date: October 5, 2015**

<p>Paving 78-142(c)(10)(f) &amp; Striping 78-142(c)(10)(a)(i):</p>	<p>The site does not meet minimum paving standards since there are multiple deteriorated areas that require patching, a new sealcoat finish and restriping across the entire site. Drive aisles, directional signage and valet areas are also required to be striped. The implementation schedule, due to associated costs, is staged as follows:</p> <table border="1" data-bbox="467 569 1487 758"> <thead> <tr> <th>Completion Date:</th> <th>Description of work</th> </tr> </thead> <tbody> <tr> <td>October 23<sup>rd</sup></td> <td>Patching, sealcoat and striping of the front yard.</td> </tr> <tr> <td>October 31<sup>st</sup></td> <td>Patching, sealcoat and striping of the northern side yard.</td> </tr> <tr> <td>November 6<sup>th</sup></td> <td>Patching, sealcoat and striping of the southern side yard and rear parking lot.</td> </tr> </tbody> </table> <p>➤ Approval of this application is conditioned on the applicant providing necessary parking lot improvements.</p>	Completion Date:	Description of work	October 23 <sup>rd</sup>	Patching, sealcoat and striping of the front yard.	October 31 <sup>st</sup>	Patching, sealcoat and striping of the northern side yard.	November 6 <sup>th</sup>	Patching, sealcoat and striping of the southern side yard and rear parking lot.
Completion Date:	Description of work								
October 23 <sup>rd</sup>	Patching, sealcoat and striping of the front yard.								
October 31 <sup>st</sup>	Patching, sealcoat and striping of the northern side yard.								
November 6 <sup>th</sup>	Patching, sealcoat and striping of the southern side yard and rear parking lot.								
<p>Parking screening 78-253(1):</p>	<p>Rear yard parking lot: The rear parking lot is visible from the street at each corner of the building and because there is no opportunity to add landscaped screening of this area staff is requiring that the entrance and exit gates to the rear yard be screened with mesh fabric.</p> <p>Front yard parking space: Town Code requires screening of parking that is adjacent to a right of way with a minimum landscape buffer of 5 feet wide; however, the ADA parking space and its loading area will not allow for this since there is limited space in this area.</p> <p>➤ Approval of this application is conditioned on the applicant installing mesh screening to the rear yard entrance and exit gates pursuant to the proposed site plan.</p>								
<p>Landscaping 78-253(a):</p>	<p>Due to the dimensions of the parcel and position of the building, the site for the proposed special exception use has minimal opportunity to add landscaping since the areas to the north and south of the building are the designated drive aisles and the areas to the east and west of the building are designated parking areas. There is opportunity, however, for landscaping in the front yard within the planting bed.</p> <p>➤ Approval of this application is conditioned on the applicant installing landscaping in the front yard planting bed that includes, but is not limited to, groundcover and hedges from the Towns list of approved plant species pursuant to the proposed site plan.</p>								



**Town of Lake Park  
 Planning and Zoning Board  
 Meeting Date: October 5, 2015**

<p>Fencing 78-112(b):</p>	<p>Commercial lots that abut a residential district are required to have a 6 foot masonry wall along the abutting property lot line. The site for the proposed special exception use complies with this requirement since there is an existing 6’ masonry wall along the property line abutting the R-2A Zoning District. This existing wall serves as a visual and noise buffer from the commercial corridor.</p>
<p>Signage 70-103(5):</p>	<p>The site has a non-conforming pole sign located along Federal Highway that must be removed. The applicant’s plan proposes removal of this freestanding sign and installation of wall signs on the western and southern elevations.</p> <p>➤ Approval of this application is conditioned on the applicant removing the non-conforming pole sign and applying for sign permits to install the desired wall signage.</p>
<p>Building Height, Building Site Area, Minimum Floor Area &amp; Setbacks 78-71(2),(3), (4), &amp; (5):</p>	<p>The site for the proposed special exception use meets the requirements of the C-1 Zoning District as it relates to building height, building site area, minimum floor area, and setbacks.</p>

**STAFF COMMENTS:**

Staff finds that this application for a special exception use is consistent with land development and zoning regulations of Criteria 2 with the implementation of the following requirements pursuant to the proposed site plan SP-1:

1. Provide the required 5 parking spaces inclusive of 1 ADA space onsite;
2. provide a designated valet parking area in the northern side yard for customers and define this area using striping and signage. A cross access agreement with 139 Federal Highway shall be executed;
3. provide parking lot improvements to the entire site that includes patching all deteriorated paved areas, applying a new seal coat finish, and striping the parking stalls, drive aisles, and drive aisle directional signals;
4. install mesh fabric to the rear yard entrance and exist gates so that the parking and storage area is sufficiently screened from public view;
5. install landscaping in the front yard planting bed that includes, but is not limited to, a groundcover and hedges from the Town’s list of approved plant species; and,
6. remove the non-conforming pole sign and submit a sign permit application to the Community Development Department for the desired wall signage.

**FINDING: CRITERIA MET**



**Town of Lake Park  
 Planning and Zoning Board  
 Meeting Date: October 5, 2015**

**Criteria 3**

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

Zoning & Future Land Use:	The proposed special exception use is compatible with the character and use of the C-1 Business District since this Zoning District promotes general commercial activities such as the professional services proposed by the applicant. The proposal is also compatible with the site’s future land use designation of Commercial Residential.
Hours of Operation:	Operating hours of the proposed special exception use is consistent with the surrounding properties. The facility proposes to operate between the hours 8:00-4:00pm Monday through Friday. It is also complimentary with the abutting R-2A Residential District, since the site will not be active after 4pm or on any weekends.
Traffic:	The proposed special exception use is compatible with the character and use of surrounding properties as it relates to traffic generation since the proposed business will generate minimal traffic. The applicant estimates that they service 2 jet skis per week with an average turnaround time of 3 days. This may generate an average of 4 trips per week or 16 per month, counting arrivals and departures of each trip. In addition, there is no on site retail, customers do not pick up/drop off ski’s and staff is limited to three individuals.
Location\Mass\Setbacks:	The proposed special exception use does not propose any new building or structural renovations to the existing structure. The existing building on site is compatible with the character and use of the surrounding properties.
<p><b>STAFF COMMENTS:</b>          Staff finds that the proposed special exception use is compatible with the character and use of the surrounding properties.</p> <p><b>CRITERIA MET</b></p>	





**Town of Lake Park  
Planning and Zoning Board  
Meeting Date: October 5, 2015**

**Criteria 4**

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

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



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

**STAFF COMMENTS:**

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

***FINDING: CRITERIA MET***



**Town of Lake Park  
Planning and Zoning Board  
Meeting Date: October 5, 2015**

**Criteria 5**

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

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

(b) Noise:

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

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

Odor:

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

Visual:

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

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





**Town of Lake Park  
Planning and Zoning Board  
Meeting Date: October 5, 2015**

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

*STAFF COMMENTS:*

Staff finds that the proposed special exception use will not have a detrimental impact on surrounding properties based on the number of persons using, residing or working on the property; the degree of noise, odor or visual nuisance; and, the effect on the amount and flow of traffic generated by the use.

***FINDING: CRITERIA MET***



**Town of Lake Park  
Planning and Zoning Board  
Meeting Date: October 5, 2015**

**Criteria 6**

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

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

***FINDING: CRITERIA MET***



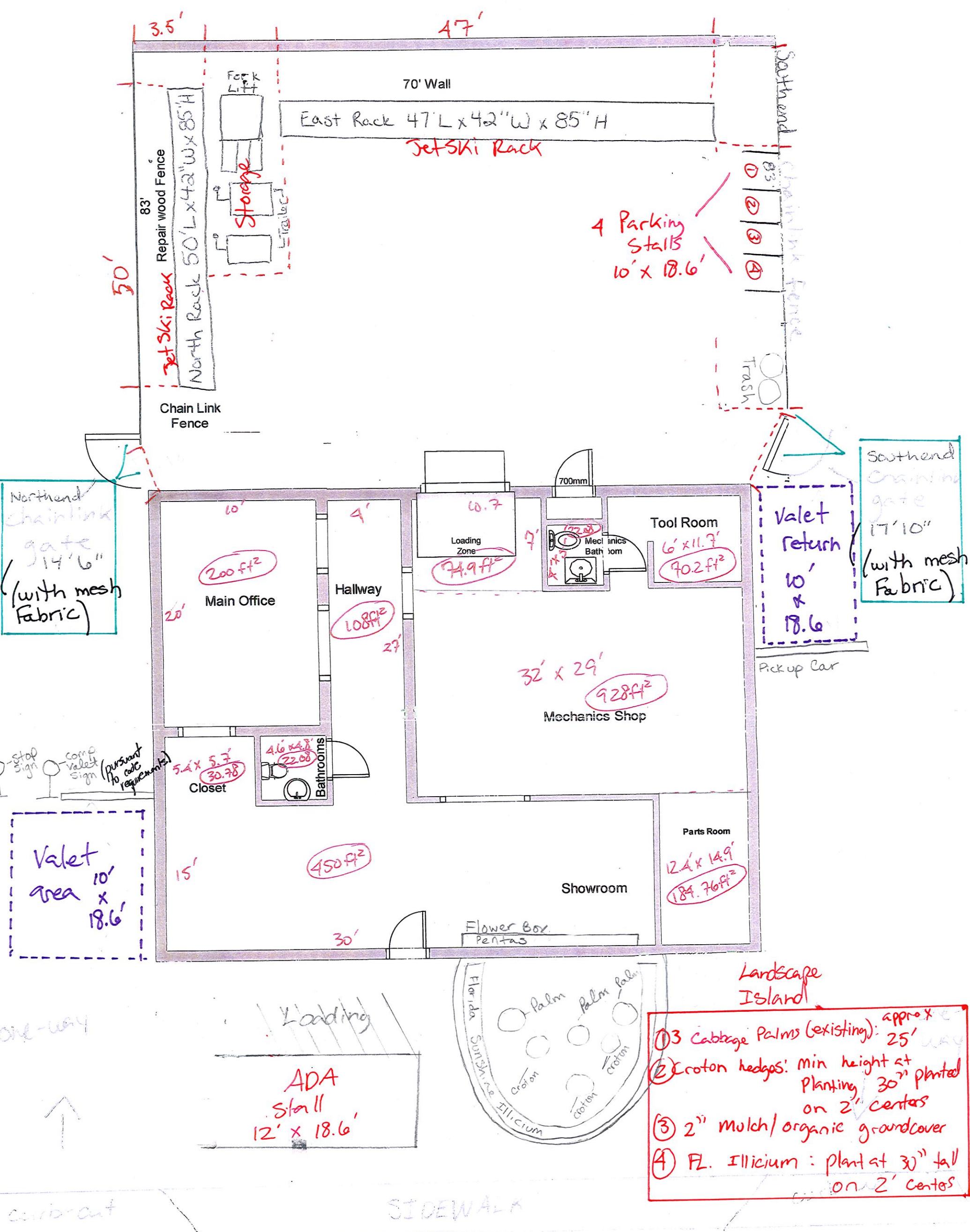
**Town of Lake Park  
Planning and Zoning Board  
Meeting Date: October 5, 2015**

## **FINDINGS OF FACT**

---

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

1. Site shall be improved pursuant to plan SP-1 received and dated by the Department of Community Development on July 8, 2015.
2. A cross access agreement with 139 Federal Highway shall be executed and shall be received and approved by the Town Attorney prior to issuance of a Business Tax Receipt (BTR).
3. Site is required to be improved by patching all deteriorated paved areas; applying a new seal coat finish; and striping the parking stalls, drive aisles, drive aisle directional signals, and valet areas pursuant to site plan SP-1 and prior to the issuance of the BTR.
4. Remove the non-conforming pole sign and submit a sign application to the Community Development Department for the desired wall signage; and,
5. no work shall be performed on jet skis, namely, running, revving, testing or starting of a jet ski engine outdoors at any time. The garage bay doors must remain closed at all times except when a vehicle is moved between the rear yard and garage. If a vehicle must be run/tested, except for turning the engine on and off to confirm it operates, it must first be transported to a body of water.



Northeast chainlink gate 14'6" (with mesh fabric)

Southeast chainlink gate 17'10" (with mesh fabric)

Valet area 10' x 18.6'

Valet return 10' x 18.6'

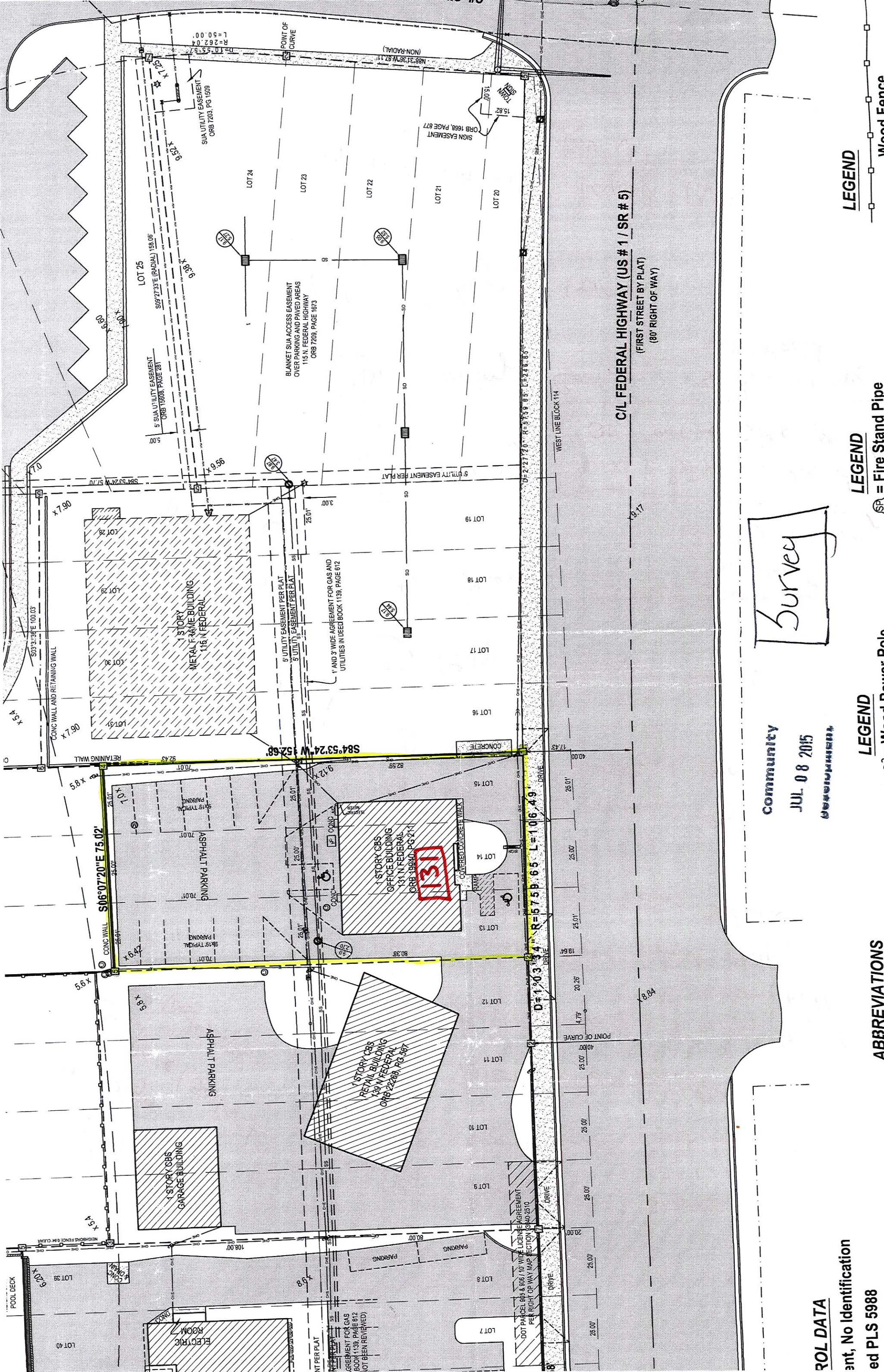
- Landscape Island
- ① 3 Cabbage Palms (existing): approx 25'
  - ② Croton hedges: min height at planting 30" planted on 2' centers
  - ③ 2" mulch/organic groundcover
  - ④ Fl. Illicium: plant at 30" tall on 2' centers

ADA Stall 12' x 18.6'

FEDERAL HIGHWAY

SP-1

\* survey enclosed \*



**ROL DATA**  
 ant, No Identification  
 ed PLS 5988  
 mmed MI S. Inc.

**Community**  
 JUL 08 2015

**ABBREVIATIONS**  
 I. P. - Licensed Business

**LEGEND**  
 ⚡ = Wood Power Pole

**LEGEND**  
 ⚡ = Fire Stand Pipe

**LEGEND**  
 🌳 = Wood Fence