

**TOWN OF LAKE PARK  
PLANNING & ZONING BOARD  
AGENDA  
SEPTEMBER 8, 2014  
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 August 4, 2014

**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**

*\* (plans available at Town Hall) \**

**A. SPECIAL EXCEPTION USE APPLICATION FOR A 17,107 SQUARE FOOT ALDI GROCERY STORE WITHIN THE CONGRESS BUSINESS PARK PLANNED UNIT DEVELOPMENT. Applicant: ALDI Florida, LLC**

**B. SITE PLAN APPLICATION FOR THE APPROVAL OF A 17,107 SQUARE FOOT ALDI GROCERY STORE WITHIN THE CONGRESS BUSINESS PARK PLANNED UNIT DEVELOPMENT. Applicant: ALDI Florida, LLC**

**DISCUSSION *(No Action Required)***

**A. STAFF PRESENTATION OF FLEXIBLE DEVELOPMENT STANDARDS**

**COMMUNITY DEVELOPMENT DIRECTOR COMMENTS**

**ADJOURNMENT**



**TOWN OF LAKE PARK  
PLANNING & ZONING BOARD  
MEETING MINUTES  
AUGUST 4, 2014**

**CALL TO ORDER**

The Planning & Zoning Board Meeting was called to order by Chair Judith Thomas at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

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

Chair Thomas stated that she would like to reorder the Agenda so that the Application for Variances would be heard first. The Town Attorney stated that the Board would be required to present a motion to reorder the Agenda. Chair Thomas requested a motion to reorder the Agenda so that *New Business Item "B"* would be heard first. Vice-Chair Von Unruh made the motion and it was seconded by Board Member Schneider. The vote was as follows:

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

**The Motion carried 4-0 and the Agenda was reordered.**

**APPROVAL OF AGENDA, AS AMENDED**

Chair Thomas requested a motion for approval of the Agenda, as amended. Board Member Schneider 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	
Martin Schneider	X	

**The Motion carried 4-0 and the amended Agenda was unanimously approved.**

**APPROVAL OF MINUTES**

Chair Thomas requested a motion for the approval of the June 2, 2014, Planning & Zoning Board Meeting Minutes as submitted. Board Member Dubois made a motion for approval 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	
Martin Schneider	X	

**The Motion carried 4-0 and the Minutes of the June 2, 2014, Planning & Zoning Board Meeting were unanimously approved as submitted.**

**PUBLIC COMMENTS**

Chair Thomas explained the Public Comments procedure.

**ORDER OF BUSINESS**

Chair Thomas outlined the Order of Business.

**NEW BUSINESS**

Chair Thomas clarified that the P&Z Board will actually make decisions rather than recommendations regarding the variance applications. The Town Attorney stated that a variance hearing is a quasi-judicial hearing which results in a final order and that the variances stand on their own. He stated that it would not be proper to take the site plan, but that it should be a separate hearing. The Town Attorney further stated that the Board will therefore need to disclose any ex-parte communications with the Applicant or Staff or any other individual regarding the variances and he will then swear in anyone who would present any testimony. The Board Members declared that there were no ex-parte communications and the Town Attorney swore in those who would be presenting testimony.

**B. AN APPLICATION FOR SIX (6) VARIANCES SUBMITTED BY THE AHRENS COMPANIES ON BEHALF OF R&K 10<sup>TH</sup> COURT LLC (OWNER) PURSUANT TO THE SITE PLAN APPLICATION LISTED AS ITEM "A" ON THIS AGENDA**

**STAFF PRESENTATION**

Debbie Abraham, Town Planner, addressed the P&Z Board Members and stated she is presenting the variance application, as well as details of the site plan so that the Board understands the context in which the variances are being presented.

Ms. Abraham stated that Ahrens Companies is the acting Agent for R&K 10<sup>th</sup> Court, LLC, who is currently the owner of a vacant parcel located along the west side of 10<sup>th</sup> Court. Ahrens Companies submitted a Site Plan Application proposing the construction of a 3,203 square foot office/warehouse, industrial style building on a 0.31 acre, undeveloped site. Ms. Abraham explained that the proposed use is compliant with the existing C-4 Zoning and the existing commercial/light industrial land use designation. She stated that that the lot is similar in size to the properties within the 10th Court Corridor, but smaller than most commercial/industrial properties located in the west side of the Town. The average size building within this Corridor is about 6,400 square feet, which is twice that the Application is proposing for this site. The neighboring properties were not built to the Town's Code requirements because they were developed before the Code was created, and therefore were not subject to setbacks, landscaping, or parking requirements.

Ms. Abraham stated that the Applicant's Site Plan Application is accompanied by a Variance Application since the Applicant feels that the literal interpretation of the Code's landscaping, setback, and Architectural Guidelines are unfeasible. Ms. Abraham explained that if the literal interpretation of the Code were imposed onto the Site, the Applicant would not have any developable land. The Site is approximately 13,600 square feet, and in order for the Site to come into full compliance with the Code, the Applicant would need to allow for approximately 6,800 square feet for setbacks, including landscaping buffers. A 3,000 square foot building would require an additional 1,400 square feet for parking and walkways, as well as approximately 6,000 square feet for two-way drive aisles to provide interior lot access from north to south, and east to west. Ms. Abraham stated that 14,200 square feet would be required to fully comply with all Code requirements, but only 13,600 square feet is available for the entire Site.

Ms. Abraham continued that the Applicant's Site Plan proposes a building orientation for an office/warehouse setting which will provide for Code required parking and drive aisle widths for adequate access, but requires variances for certain landscaping and setback sections of the Code. The Applicant's first variance request (Variance #1) is from the Landscaping Code requiring a 15 foot landscaping buffer on the east side as it is adjacent to a public right-of-way, and an 8 foot landscaping buffer on the north and south sides.

The Applicant's second variance request (Variance #2) is from the C-4 Zoning District Regulations which requires a minimum 12 foot side yard setback. The Applicant is requesting a variance to allow for only 4" from the property line to the building on the north side, and 1' from

the south property line to allow for the required dumpster enclosure. A zero lot line side yard development is typical along the entire 10<sup>th</sup> Court Corridor, presumably due to the smaller lot sizes.

Ms. Abraham stated that Staff found that due to several reasons, Variance #1 and Variance # 2 have met the variance criterion set in the Town Code, specifically that the subject site is special and peculiar because, unlike all the other similarly sized lots that were able to build without any extensive landscaping or setback requirements due to their age, the subject site is faced with having to develop a building that is operational at half the building square footage previously permitted along the Corridor, while trying to incorporate the landscaping and setback Code. Consequently, special conditions do exist in that the 0.3 acre lot, similar to the other 0.3 acre lots along the Corridor, is the only lot seeking development under the existing landscaping and setback codes which are codes which are better suited for larger lots. Ms. Abraham stated that the lot was subdivided years ago and therefore, this was not a result of the Applicant; the Applicant is simply proposing a minimum-sized building of 3,203 square feet with a building orientation that incorporates the required parking and drive-aisles. Ms. Abraham stated that Staff is recommending approval of Variance #1 and Variance #2, however, the Applicant is also requesting additional variances from the Town's Architectural Guidelines for which Staff is recommending denial.

Ms. Abraham continued that the Applicant is proposing to construct the building with a metal siding material which is discouraged in Town Code and actually perpetuates the need for additional variances. The Applicant is requesting Variance #3 from the requirement of recesses and projections; Variance #4 from the avoidance of blank walls; Variance #5 from the prohibited use of rib roofs, and Variance #6 from the requirement of a minimum 4 foot height variation at the roof edge. These requirements do not fulfill the variance criterion of the Town Code, as the criterion seeks to ensure the variances requested are not a result of economic hardship, or are consequent to the actions of the Applicant. Staff believes that granting variances from the Town's Architectural Guidelines would result in special treatment to the Applicant since there is no reason, other than costs, in which the Applicant will not be able to comply with Town Code.

Ms. Abraham stated that in conclusion, while the Applicant is proposing a 3,203 square foot office/warehouse building along 10<sup>th</sup> Court which is a use permitted by Code, the Applicant failed to meet the criterion for the variances as it relates to the Architectural Guidelines. The site plan does meet other requirements; however, since the Architectural variances are integrated into the site plan, Staff is recommending denial of Variance #3, Variance #4, Variance #5 and Variance #6, from the Architectural Guidelines.

Ms. Abraham stated that the Representative for the Applicant, Mr. Ahrens, is present and will be providing a presentation that includes visuals of existing conditions along 10<sup>th</sup> Court.

Vice-Chair Von Unruh asked for clarification on which variances were being recommended for denial by Staff. Chair Thomas asked which report Ms. Abraham was reading from during her presentation. Ms. DiTommaso stated that the presentation did not read from the Staff Report and that the presentation was more in depth with added emphasis by Staff.

## APPLICANT PRESENTATION

Richard Ahrens of Ahrens Company addressed the P&Z Board Members and stated that he is representing R&K 10<sup>th</sup> Court, LLC.

Mr. Ahrens provided a visual presentation of the proposed building and began to provide details of the site, including fences, canopies, overhead doors, stucco banding and metal roof panels. Town Attorney Baird stated that these items are actually site plan issues that are being addressed and that the variances need to be addressed first. The Town Attorney stated that in order for the variances to be approved that Mr. Ahrens needs to identify how the Applicant meets the variance criteria.

Regarding Variance Criteria #1... *special conditions and circumstances exist which are peculiar to the land, structure, or building...*, and Variance Criteria #2... *the special conditions or circumstances are not a result of actions by the Owner/Applicant...* Mr. Ahrens stated that there are unusual circumstances with this project because of where it sits on 10<sup>th</sup> Court, and that it is the only and last developable parcel available on either side of 10<sup>th</sup> Court or 10<sup>th</sup> Street. Mr. Ahrens showed a visual aerial view of 10<sup>th</sup> Court from the west and stated that special conditions or circumstances are not a result of the actions by the Applicant, but when the Town did the overlay they did not take into consideration small parcels of lands for which the architectural appearances can be accomplished. Mr. Ahrens pointed out that both sides of 10<sup>th</sup> Court have an approximate 60% coverage ratio which definitely affects the architectural ability to perform the criteria that is in the Architectural Standards. Mr. Ahrens stated that there is no relief from architectural standards for small, sub-standard size parcels.

Regarding Variance Criteria #3... *granting the variance will not confer on the Owner any special privilege that is denied to others....* Mr. Ahrens stated that in this zone, absolutely they are not being denied. He stated the architectural standards adopted in the overlay were based on designs meant to go along Northlake Boulevard and Congress Avenue.

Vice-Chair Von Unruh asked the Town Attorney if the P&Z Board could decide to approve the variances although Staff recommends denial. The Town Attorney responded that the responsibility of the P&Z Board is to determine if the variance criteria has been met on each of the Variances #1- Variance #6.

Regarding Variance Criteria # 4.... *a literal interpretation of the land development regulations would deprive the Owner of rights commonly enjoyed by other properties in the same zoning district...* Mr. Ahrens stated that this site is the same zoning district and by not granting the variances, the owner's rights are being taken away.

Regarding Variance Criteria #5.... *the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure...* Mr. Ahrens stated that although he is supposed to be addressing architectural standards, site plan standards drive part of the architectural standards and therefore he will need to address part of the site plan in order to facilitate what those criteria are being caused by.

Regarding Variance Criteria #6... *the granting of the variance will be in harmony with the general intent and purpose of the land development regulations and will not be injurious to the area involved or otherwise detrimental to the public welfare...* Mr. Ahrens pointed out visuals of the site and said the site is not detrimental to the public welfare.

Regarding Variance Criteria #7... *granting the variance would not be contrary to the Comprehensive Plan...* Mr. Ahrens stated that the Town's Comprehensive Plan did not take into consideration situations of this nature, and by not granting the variance, his client is being injured.

Mr. Ahrens presented a visual looking south down 10<sup>th</sup> Court from Northlake Boulevard and pointed out the lack of architectural flavor and release, existing overhangs, the majority of parking being out front, and a lack of landscaping and storm drainage. Chair Thomas stated that variances are considered on a case-by-case basis and asked the Town Attorney if it is appropriate for the Board to be viewing the Corridor, rather than simply addressing the subject lot. The Town Attorney stated that variances are considered on a case-by-case basis, and the evidence and presentation of the Staff and the Applicant should be directed to the property that is requesting the variance relief, and considerations of what other properties may or may not have done is not germane to the issue to whether the property in question is entitled to experience relief. Mr. Ahrens stated that he disagrees and that he needs to make his point on the laws of variances, and in order to satisfy any of the seven (7) Variance Criteria he needs to show the Board the surrounding properties. Chair Thomas stated that she is going to take the position that the Board Members have already had the opportunity to view the site and they are going to focus on this lot since the variances are for this lot and not for the zoning district. Mr. Ahrens stated that the Architectural Guidelines state that the building is to be in conformity with the surrounding buildings and it is very clear in the Town Code. Ms. DiTommaso stated she believes Mr. Ahrens is referring to the Alternative Architectural Style in the Code which reads...*the Town Commission may authorize the use of an alternative architectural style if in the exercise of their reasonable discretion the Commission determines the alternative design to be consistent with the surrounding architectural character and design intent of the District in which the property is located....* Mr. Ahrens stated that Ms. DiTommaso is correct.

Chair Thomas stated that the Code is referring to the Town Commission, but they are sitting as the Planning & Zoning Board which is a quasi-judicial board separate from the Town Commission. According to Town Code, the site plan application would be going to the Town Commission upon the recommendation of the P&Z Board, but at this point the Board is only hearing the variances as they relate to the property and architectural design of the building. Chair Thomas stated that the variances are decided by the Board and will not go to the Town Commission if not approved by the Board. Chair Thomas further stated that if the variances do not go forward and the site plan is contingent on the variances going forward, then you would need to change the site plan before it can go forward.

Chair Thomas questioned the Town Attorney about the procedure for voting on the six (6) variances and whether the Board should vote separately on each variance. The Town Attorney stated that the variances were presented by Staff in a two-group format, "Group 1" being landscape variances and "Group 2" being architectural variances, and therefore, the Board may



vote either by the “group”, or vote on each variance individually if the Board prefers. The Town Attorney stated that it wouldn’t facilitate good decision making to vote on all six (6) variances at once since different evidence is presented for each variance. Vice-Chair Von Unruh stated he prefers to vote on each variance separately. Board Member Schneider and Board Member Dubois agreed that it is best to vote on a one-by-one basis.

Mr. Ahrens pointed out the site plan and stated that the calculations utilized by Staff for landscape purposes were miscalculated because they did not include the storm drainage areas, so therefore the lot size is greatly changed from what was presented by Staff in the opening statement. Vice-Chair Von Unruh asked Staff if that is an accurate statement. Chair Thomas stated that the Board is considering variances and looking at the property as undeveloped and how the lot is configured is up to the designers, architects and engineers, but ultimately these are site plan issues. Chair Thomas suggested the Board proceed to look at the variances as presented.

Variance #1...*A landscaped buffer shall be a minimum of 8’ in depth around the perimeter of a parcel; provided, however, a landscaped buffer of 15’ in depth shall be required on lands located adjacent to public street right-of-way.....*Mr. Ahrens stated that with the required 15’ and 8’ there would be nothing left. Vice-Chair Von Unruh stated that Staff is recommending that the criterion has been met on the first two variances regarding landscaping, and he is in agreement with Staff’s recommendation. He stated that if all of the Board Members are in agreement with Staff’s recommendation on Variance #1 & Variance #2, then the Board could move on to Variances #3 - Variances #6.

Board Member Schneider stated that he finds it very difficult to support variances on an empty lot because the building hasn’t been constructed yet; there are setbacks and requirements that need to be met on the empty site and the building could be made smaller and they could come up with alternative ways to make it work. Board Member Schneider further stated that he has a problem with two of the criteria... *Special conditions and circumstances are not a result of actions by the Owner/Applicant ...*because they are building the building and it needs to fit within the Town’s setbacks and requirements. Board Member Schneider asked Staff is this is a conforming site and does it meet the C-4 minimum criteria for lot size. The response from Staff was yes, it is a conforming site. Board Member Schneider stated that this is a conforming site, and if there are no exceptions for sites under a certain size, then they would have to meet the setbacks requirements for the C-4 Zoning District unless there were waivers or the Code was changed so they would have special consideration within the District. Board Member Schneider further stated that it’s hard to say on a blank piece of land that the special conditions are not the result of the actions of the Applicant and he has trouble with both the setbacks and the landscaping, especially the setbacks, as this looks more like a District problem.

There were no comments from Board Member Dubois.

Board Member Von Unruh asked if Staff evaluated and took into the consideration what other buildings in the area look like and whether or not the design that the Applicant is putting forth was good enough to meet the conditions under the first two sets of criteria. Ms. DiTommaso responded that Staff took into consideration the literal interpretation of the Code when

calculating the full setback and landscaping requirements, parking and drive-aisle access, and the land development regulations. Board Member Von Unruh asked Staff if they took into consideration that if other surrounding existing buildings are sold and rebuilt in the future they then could look to this property and expect the same variances. Ms. DiTommaso stated that it would be setting a precedent with this lot. The Town Attorney stated that variances are considered on a lot-by-lot basis, and just because a variance might be granted for one property does not mean that another property within the same zoning district would have to be granted the same variance. He further stated that it's true as a practical matter, when you have similarly situated or sized lots that there is the aura that a precedent has been established, but the law is that variances are considered on a case-by-case basis. Vice-Chair Von Unruh asked Mr. Ahrens if they were to make the setbacks currently required by Code, would he be unable to build the proposed building. Mr. Ahrens stated absolutely, and that building a smaller building does not make sense economically.

Chair Thomas stated the Code is meant to be progressive and proactive and in regard to Criteria #1 and Criteria #2, this is not a non-conforming lot, it's a buildable, platted lot and there are no special conditions or circumstances which relate to this lot. She continued that there is a light pole on the lot, which actually reduces crime, but the light pole does not restrict the build-ability of the lot. She stated that the building could be made smaller, or there could be a different orientation of the building, and that there are various ways of incorporating landscaping and xeriscape options in order to address the retention issue on the property. Chair Thomas stated that her opinion is there is nothing peculiar, that this is a vacant parcel and a lot of modifications could be made to the site and it is not injurious to the property owner. Chair Thomas stated what she is hearing from the Applicant is that this is the size of the building that we want to put on a small lot, and since it has been allowed in the past, then my lot should be that way too. However, the Town Commission has sought to change the view of the Town and that is what we need to move forward with.

Board Member Schneider stated that he agrees with the comments of Chair Thomas in that Criteria #2 and Criteria #5 are not met, that there are no special circumstances or circumstances that are not a result of actions by the Owner/Applicant, and that although the economics might not work that they could consider a smaller building.

Chair Thomas stated that if there are not further comments from the Board, she would entertain a vote on whether or not the Applicant has met the criteria as it relates to the 7 variance criteria.

Mr. Ahrens stated the conditions of the small lot were not created by the owner, that the Town created overlay zoning and put it into an area that has very small parcels and the criteria does not work. He stated that that is not an issue which was driven by the owner, but was driven by the fact that there was a hurry to do overlay architectural criteria which sucked up a lot of areas that should have been addressed before the application was made. In response to the fact that the building can be made smaller, Mr. Ahrens stated that it is possible to make the building 1,000 square feet, however it is not justifiable to spend \$300,000 for a 1,000 square foot building.

Chair Thomas reiterated that it's a buildable non-conforming lot, that there is nothing peculiar and there are other properties the same size that has buildings on them, and now there is a Code

requiring you to build according to these setbacks. Chair Thomas asked the Community Development Director what is the special overlay in the C-4. Ms. DiTommaso stated that the Architectural Guidelines are Town-wide guidelines that were adopted around 2009, and they are not in a special overlay area, but are Town-wide.

Chair Thomas stated that each of the variance criteria must be satisfied in order for a variance to be granted. The Town Attorney verified that all seven (7) variance criteria must be met. Chair Thomas asked if the Board feels that the Applicant has met all seven (7) of the variance criteria as established in Staff's presentation for landscaping and setbacks.

**PLANNING & ZONING BOARD RECOMMENDATION**

Board Member Schneider made a motion to deny Variance #1 on the fact that Criteria #2 and Criteria #5 have not been met. Board Member Dubois seconded and the vote was as follows:

	<b>Aye</b>	<b>Nay</b>
Judith Thomas	X	
Erich Von Unruh	X	
Michele Dubois	X	
Martin Schneider	X	

**The Motion carried 4-0, and Variance #1 was unanimously denied.**

Mr. Ahrens stated that he has been instructed to withdraw the Application because it is not economically feasible, and there is no reason to hear the remaining variances since the first variance was denied. Mr. Ahrens stated that the Applicant cannot build anything that is reasonable on that parcel of land.

Chair Thomas asked Mr. Ahrens if he had conversations with Staff prior to the meeting and was he not aware of Staff's recommendation regarding his Application prior to tonight. Mr. Ahrens stated that the application process began in April and Staff did not communicate that modifications were needed for the site plan for the first two variances. Mr. Ahrens stated that since the Board denied the first two variances, there is no sense in moving forward with the remaining variances.

Chair Thomas stated that since the Application has been withdrawn that Item A is now a moot item.

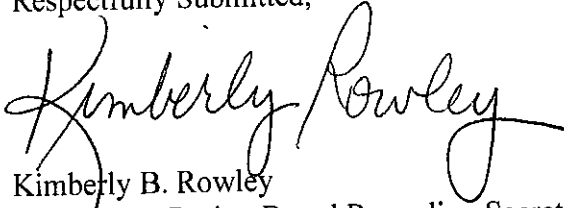
**COMMUNITY DEVELOPMENT DIRECTOR COMMENTS**

There were no further comments by the Community Development Director.

**ADJOURNMENT**

There being no further business before the Planning & Board, the Meeting was adjourned by Chair Thomas at 8:07 p.m.

Respectfully Submitted,



Kimberly B. Rowley  
Planning & Zoning Board Recording Secretary

**PLANNING & ZONING BOARD APPROVAL:**

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

DATE:

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\*plans available at Town Hall\*



**TOWN LAKE OF PARK  
PLANNING & ZONING BOARD  
MEETING DATE: SEPTEMBER 8, 2014**

**APPLICATION:**

SITE PLAN AND SPECIAL EXCEPTION USE FOR A 17,107  
SQUARE FOOT ALDI GROCERY STORE WITHIN THE  
CONGRESS BUSINESS PARK PLANNED UNIT  
DEVELOPMENT

**SUMMARY OF APPLICANT'S REQUEST:** The Owner of the property, which is the subject of the two Applications, is Congress Avenue Properties, LLC (Owner). ALDI Florida, LLC ("Applicant") has a contract to purchase the property referenced in the submitted Applications for a Site Plan and the Special Exception Use of "Grocery Store". The Applicant proposes to develop a 17,107 square foot "ALDI" grocery store on Tract F of Parcel A of the Congress Business Park Planned Unit Development ("the Site"). The Site has a "Commercial/Light Industrial" land use designation and is within the previously approved Congress Business Park Planned Unit Development (PUD) Zoning District with an underlying Commercial-2 Business District (C-2) zoning designation.

**Section 78-77(1)(g)(3)** of Town Code states that the uses which are permitted within a PUD includes those which are listed in the underlying zoning district. However, within a PUD, *additional uses may be permitted by the Town Commission following review and approval of a Special Exception Application.*

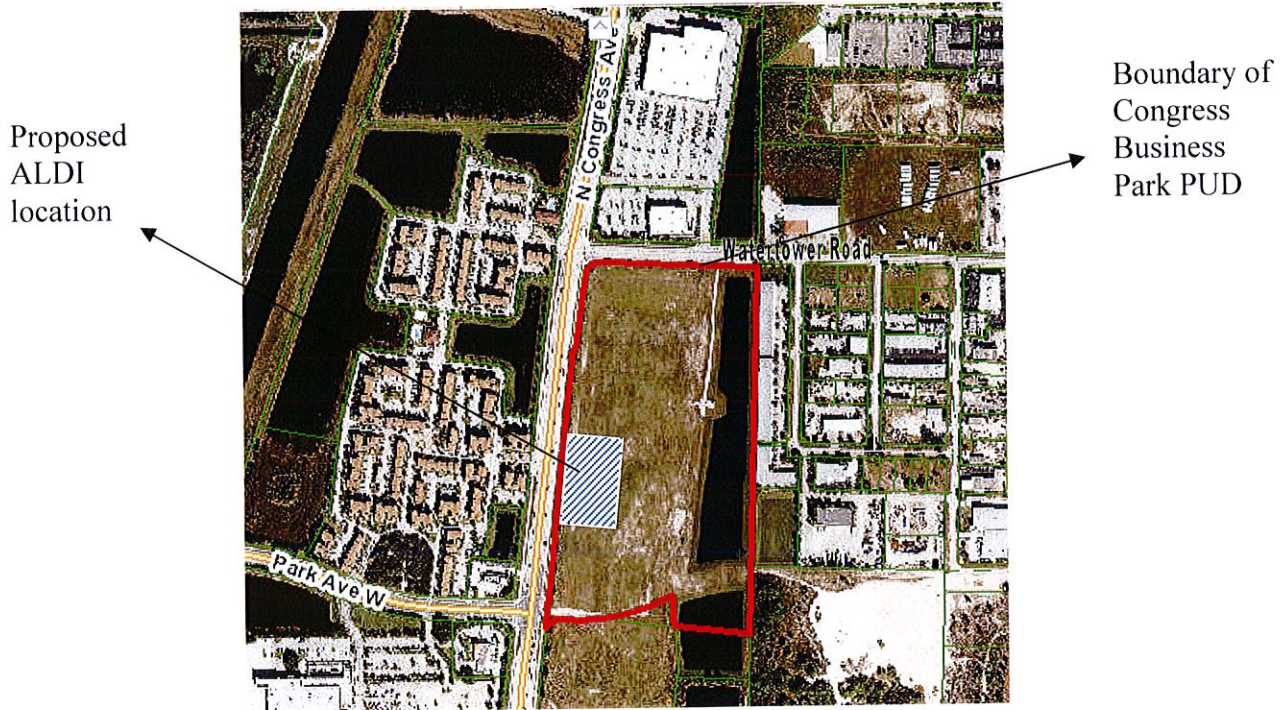
The C-2 Zoning District only allows specialty grocery stores as a use by right with a maximum building size of 10,000 square feet. Staff has determined that ALDI's proposed grocery store is not a "specialty grocery store." Consequently, Staff has interpreted the Applicant's proposed 17,107 square foot *general* grocery store as being an "additional use" which would be permitted within the PUD provided it meets the criteria established by the Code for a Special Exception Use. Staff's interpretation of the Code is based upon the opinion that a general grocery store is compatible with the uses and general intent of the C-2 Zoning District which permits a wide variety of commercial uses.



**BACKGROUND:**

Applicant(s): Jeffery Williams/ALDI Florida, LLC  
Owner(s): Congress Avenue Properties, LLC  
Address/Location: North Congress Avenue  
Net Acreage: 2.38 acres  
Legal Description: 19-42-43, PT OF SE 1/4 LYG BET WATER TOWER RD R/W & PB21P3 & E OF & ADJ TO CONGRESS AVE R/W (LESS SLY 728.69 FT & PT K/A  
Existing Zoning: Planned Unit Development (PUD)  
Commercial 2 (C-2) Business District  
Future Land Use: Commercial/Light Industrial

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





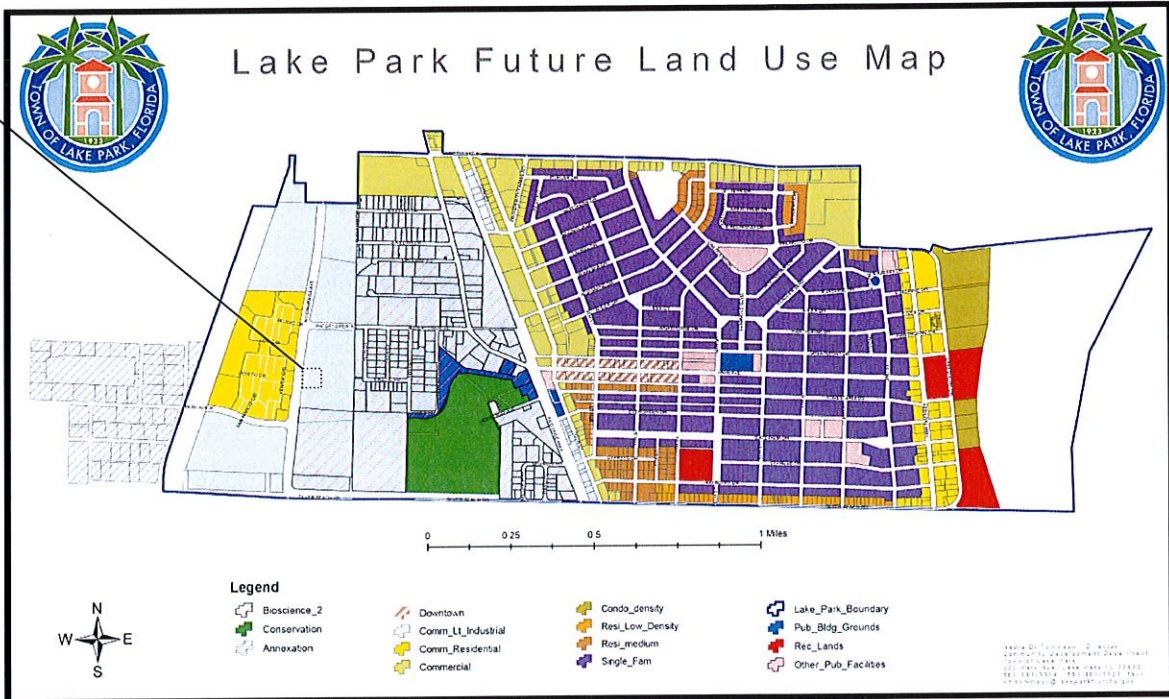


**Adjacent Existing Land Use**

North: Commercial Light Industrial  
 South: Commercial Light Industrial  
 East: Commercial Light Industrial  
 West: Commercial/Residential

**LAKE PARK FUTURE LAND USE MAP**

Subject Site



**PART I: APPLICATION FOR A SPECIAL EXCEPTION USE**

**ANALYSIS OF SPECIAL EXCEPTION CRITERIA**

Town Code **Section 78-184** sets forth the criteria which must be met to entitle an applicant to a Special Exception use. There are 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 would specifically further two Objectives, and one Policy of the Future Land Use Element of the Comprehensive Plan:

*Objective 1, 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 standards.*

*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 development of a new building on a currently undeveloped parcel will increase the Town's tax base. The Site is not environmentally sensitive or historically significant and therefore the development of the Site would not cause negative impacts to the surrounding area, or existing neighborhoods. The development of a general grocery store across Congress Avenue from a large residential apartment complex furthers the two Objectives and the Policy of the Comprehensive Plan of infill development which is considerate of existing neighborhoods. The Palm Beach County Traffic Division has issued a traffic concurrency letter confirming that the development of ALDI will not exceed the adopted level of service for North Congress Avenue.**

**CRITERIA MET.**

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

**The Site Plan meets the Land Development Regulations of the Town Code.**

**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?

**A general grocery store is compatible with the character of the surrounding commercial uses. The commercial uses along North Congress Avenue**

includes big box retail businesses such as Kohl's, Walmart, and Target. The Applicant's proposed hours of operation (from 9 am – 8 pm, 7 days a week) are comparable to these businesses and considerate of the surrounding areas, including the residential district directly across the proposed Site on the west side of North Congress Avenue.

**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?

**There are no standalone specialty or general grocery store uses along North Congress Avenue, however, several businesses along the Corridor provide food (grocery) sales as part of their operation. Given the nature of this use being proposed as a standalone grocery store, and the market it will serve, it is highly unlikely that the general grocery store would result in a proliferation of grocery stores in this area of the Town.**

**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;

**The proposed use is not expected to have a detrimental impact on the surrounding properties. The Site Plan meets the Code's Land Development Regulations for a general grocery store and provides sufficient parking for customers using it and the employees who will be employed there.**

**CRITERIA MET**

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

**The primary operations of the proposed Special Exception Use are entirely indoors, and therefore, should not produce any external visual or odor nuisances. Delivery trucks will bring products to the store on a regular basis. These vehicles may create some noise, odor, or other nuisances, however, this activity will take place on the exterior of the building inside the truck well which is screened from public view. The Applicant is proposing a sloped truck well where delivery trucks can unload produce and goods to be sold within the store. This type of delivery area is similar to other businesses within the corridor. This may mitigate to a small degree the noise or visual nuisances that may occur as a result of the deliveries.**

**The dumpsters will be located within the truck well and will be screened from public view as well.**

**CRITERIA MET**

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

**As previously stated, Palm Beach County's Traffic Division issued a Traffic Concurrency Letter which verifies that the projected traffic upon the affected roadways meets the County's Traffic Performance Standards based on the proposed use, can be accommodated.**

**CRITERIA MET**

- (6) Does the proposed Special Exception Use:

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

**The building constructed upon the Site generally meets the setback regulations of the Town Code for a use of this nature. It should also be noted that the Site is within a "master planned" PUD.**

**CRITERIA MET**

- b. Adversely affect property values in adjacent areas.

**The Site's development will not adversely affect the property values of the adjacent uses.**

**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.**

**CRITERIA MET**

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

**The proposed Site is not within or in close proximity to any naturally sensitive areas or parks. The south, east, and west sides directly adjacent**

to the Site are undeveloped, therefore, the proposed Special Exception Use will not negatively impact any open space or public facilities.

**CRITERIA MET**

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

The Site Plan indicates that trash receptacles, benches and bike racks will be located at appropriate locations on the Site. A pedestrian pathway across the Site provides connectivity to and from North Congress Avenue.

**CRITERIA MET**

## **PART II: APPLICATION FOR A SITE PLAN**

The Site Plan has been reviewed by the Town’s Engineer, Landscape Architect, and Community Development Department. Based upon this review, the Staff finds that the Site Plan meets the Land Development Regulations of the Town Code, and is consistent with the PUD’s established Signage Guidelines, Architectural Guidelines, and Landscaping Plan.

### **SITE PLAN PROJECT DETAILS:**

**Building Site:** The Site is a parcel within a Master Plan associated with a PUD. The PUD’s underlying zoning designation is C-2. The Site is to be developed as a general grocery store of 17,107 square feet.

**Site Access:** The Site has two entrances. One entrance is on the west side of the Site and the other is on the south side, both of which are accessible by the PUD’s interior roads. The interior roads can be accessed by using the Park Avenue West Extension road which is currently under construction.

**Traffic:** The Applicant has received a Traffic Performance Standard (TPS) concurrency letter from Palm Beach County’s Traffic Division which confirms that there is adequate capacity on the roadways which serve the Site.

**Landscaping:** The Site Plan meets the Town’s Landscaping Code regulations and is consistent with the Landscaping Master Plan approved pursuant to a previously approved application for a PUD by the owner of the property. The Applicant’s Landscaping Plan has been determined to be “satisfactory for Site Plan Approval” by the Town’s consulting Landscape Architect.

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

**Parking:** The Town's Parking Code requires 5 spaces per 1,000 square feet of gross floor area. Therefore, the proposed building at 17,107 square feet requires 86 parking spaces. The Applicant is proposing 86 parking spaces, which includes 4 required handicap parking spaces.

**Signage:** The Applicant has submitted a proposed Master Signage Plan that is consistent with the Town's Sign Code and the previously approved PUD Master Signage Plan. The Applicant is proposing wall signs above the south and east building entrances, as well as a monument sign classified as a PUD Tenant Sign in the PUD regulations.

**Zoning:** The use of a general grocery store is not a use permitted by right, but rather as an "additional use" by special exception approval. The Applicant has applied for Special Exception Use approval.

**Water/Sewer:** Staff has received confirmation from Seacoast Utilities Authority that the Applicant has reserved water capacity for the Site. Drainage permits are required prior to the issuance of building permits per SUA.

**Design:** The Applicant's proposed Elevations Plan meets the Town's Architectural Guidelines as well as the architectural guidelines established by the previously approved PUD. The Applicant has incorporated design features for the building which are consistent with the intent of the Code and the previously approved PUD.

**Fire:** Palm Beach County Fire completed a preliminary site plan review of the proposed Site Plan and has no comments pertaining to the Site Plan at this time. PBC Fire will be reviewing the plans in greater detail as part of the building permit review process at that time.

**PBSO:** The Crime Prevention Through Environmental Design (CPTED) review was done by the Town Planner who is CPTED Certified rather than the Palm Beach Sheriff's Office (PBSO). The Reviewer recommended the installation of video surveillance, but the Applicant chose to not incorporate the recommendation. The Reviewer did not raise any additional recommendations or concerns.



### PART III: STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the Special Exception Use for a 17,107 square foot grocery store in the Congress Business Park PUD. Staff recommends **APPROVAL** of the Site Plan subject to the following conditions:

1. The Applicant shall develop the Site consistent with the following Plans:
  - a. Site Plan, Site Plan Details, and Photometric Plan referenced as Sheets C-3, C-4, and C-11 respectively; signed and sealed on August 8, 2014 and prepared by Thomas Engineering Group; received and dated by the Department of Community Development on August 29, 2014.
  - b. Landscape Plans and Irrigation Plans, referenced as Sheets LP-1, LP-2, LP-3 and LI-1, LI-2, LI-3; signed and sealed on May 7, 2014 and prepared by Thomas Engineering Group; received and dated by the Department of Community Development on September 3, 2014.
  - c. Floor Plans, Elevations, and Signage Plans referenced as Sheets A-131, A-201, and MS100 respectively; signed and sealed on August 22, 2014 and prepared by Cuhaci & Peterson Architects Engineers Planners; received and dated by the Department of Community Development on August 29, 2014.
  - d. Paving, Grading, & Drainage and Water/Sewer Plans referenced as Sheets C-5 through C-11; signed and sealed on August 8, 2014 and prepared by Thomas Engineering Group; received and dated by the Department of Community Development on August 29, 2014.
  - e. Survey dated May 20, 2014 referenced as Drawing D99-240K prepared by Lidberg Land Surveying Inc. signed and sealed on May 20, 2014 and received by the Department of Community Development on September 3, 2014.
2. The Owner, the Applicant and their successors and assigns shall be subject to the Development Order and all conditions.
3. Construction 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.
4. Any proposed disruption to the normal flow of traffic within the rights of way of North Congress Avenue or the Park Avenue West Extension as part of the construction of the Site, shall be subject to the review and approval of the Community Development Director (Director).
5. Should any disruption occur during construction which causes a disruption to the normal flow of traffic shall be subject to the review and approval of the Directors of the Town's Public Works Department and Community Development Departments.
6. Should any disruption to the surrounding entrance/exit streets and parking areas along North Congress Avenue or the Park Avenue West Extension 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.
7. 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.

8. The hedge material for the Site shall be maintained at five feet.
9. Safe and adequate pedestrian passage shall be maintained along the Site's entrances.
10. The Owner shall ensure that any and all contractors use commonly accepted practices to reduce airborne dust and particulates during construction on the Property.
11. 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.
12. 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 is in accordance with the approved Site Plan and the Landscaping Plan.
13. Site will be subject to the Unity of Control instrument for the PUD. A copy of the recorded Unity of Control instrument is required prior to the issuance of any building permit.
14. Site shall be duly platted. Plat Application and approval is required 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. All interior roadways within the PUD that immediately surround the Site, including all adjoining curb-cuts and the Park Avenue Extension roadway must be completed prior to the issuance of a Certificate of Occupancy.
18. **The Owner or Applicant shall initiate bona fide and continuous development of the Site within 18 months from the effective date of this Development Order. Failure to do so shall render the Development Order void. Once initiated, the development of the Site shall be completed within 18 months.**

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





**APPLICATION REQUIREMENTS:**

1. Please discuss how the Special Exception use is consistent with the goals, objectives, and policies of the Town's Comprehensive Plan.

Since the project use will be consistent with the overall proposed PUD, we feel that it is consistent with the Town's overall Comprehensive plan.

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2. Please discuss how the proposed Special Exception is consistent with the land development and zoning regulations and all other portions of the Town of Lake Park Code of Ordinances.

Since the project use will be consistent with the overall proposed PUD, we feel that it is consistent with the Town's overall land development and zoning regulations.

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3. Please explain how 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.

The proposed Grocery Store is part of an overall master PUD that is currently under review. Based on the master PUD we feel that we are consistent with the future use of the overall Commerce Park.

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4. Please explain how 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 proposed Grocery Store is currently the only grocery store proposed in the Commerce Park. We don't feel that it will adversely affect the other proposed uses.

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5. Please explain how the 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; (c) The effect on the amount and flow of traffic within the vicinity of the proposed Special Exception use.
  6. Please explain how the proposed Special Exception use meets the following requirements; (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 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; and (e) provides pedestrian amenities, including, but not limited to, benches, trash receptacles, and/or bicycle parking.

The proposed Grocery Store is part of a master PUD that is currently in for review. The use is consistent with the PUD and should not have any adverse affect on adjacent Commercial Uses.

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7. Please provide the following:
  - a. Special Exception fee plus escrow of \$800.00.
  - b. Advertising costs: The petitioner shall pay all costs of publication of public hearing required in a newspaper of general circulation within the Town. This cost will be deducted from the escrow.
  - c. Courtesy Notice Property Owners List. A complete list of property owners and mailing addresses of all property owners within 300 feet of the subject parcel as recorded in the latest official tax role in the County Court House. Certified Mail will be sent to all owners within 300 feet; postage will be deducted from escrow.
  - d. The applicant must place a 3' x 3' sign on the property to be readily visible to vehicular and pedestrian traffic stating "THIS SITE IS BEING CONSIDERED FOR A CONDITIONAL USE – TOWN OF LAKE PARK". The applicant shall remove sign from subject property within ten (10) days of final action.
  - e. Location Map

- f. Provide a site plan drawn to scale indicating the size of the buildings, the intended floor area ratios, the quantity of parking spaces proposed to be provided, the intended access road(s), the general type of construction in accordance with the Florida Building Code and the codes of the Town of Lake Park, and the availability and approximate location of utilities.
- g. Provide a certified boundary survey by a surveyor registered in the State of Florida containing an accurate legal description of the property and a computation of the total acreage of the parcel.

**DOCUMENTS:**

1. A statement of the applicant's interest in the property.
2. A warranty deed with an affidavit from the applicant that the deed represents the current ownership.

**REPORTS:**

A traffic impact analysis, if required by the Town Engineer or staff, on the project generated Traffic impact on the external street serving the site.

**For the final review, 13 complete sets of all final required documents, after approval of all other governing agencies, must be submitted.**

*The Town of Lake Park  
Community Development Department*



**PLEASE DO NOT DETACH FROM APPLICATION.**

**SIGNATURE REQUIRED BELOW.**

Please be advised that the Town of Lake Park Code of Ordinances under Section 51-6 provides for the Town to be reimbursed, in addition to any application or administrative fees, for any supplementary fees and costs the Town incurs in processing development review requests.

These costs can include, but are not limited to, advertising and public notice costs, legal fees, consultant fees, additional staff time, cost of reports and studies, NPDES stormwater review and inspection costs, all engineering fees and inspection costs, and any additional costs associated with the building permit and the development review process.

For further information and questions please contact the Community Development Department at 561-881-3318.

I, Jose Williams, have read and understand the regulations above regarding cost recovery

[Signature]  
Signature of Property Owner

4/30/14  
Date

535 Park Avenue, Lake Park, Florida 33403  
Phone: (561) 881-3318 Fax: (561) 881-3323  
Web Site: [www.lakeparkflorida.gov](http://www.lakeparkflorida.gov)

MAR 07 2014

PERMITS



**THE TOWN OF LAKE PARK**  
**APPLICATION FOR SITE PLAN REVIEW**

Project Name: ALDI - Lake ParkProperty Address: North Congress Avenue, Lake Park, FL 33403Owner: CONGRESS AVENUE PROPERTIES LTD Address: 4500 PGA Boulevard Suite 207  
Palm Beach Gardens, FL 33418Applicant (if not owner) Jeffrey Williams / ALDI Florida LLCApplicant's Address 2056 Vista Parkway, Suite 200  
West Palm Beach, FL 33411 Phone 813-446-5915Fax: 888-635-6198 Cell Phone: \_\_\_\_\_ E-Mail jeff.williams@aldi.usProperty Control Number (PNC): 3643421900005040**Site Information:**General Location Parcel of Land on East side of North Congress Avenue between Water Tower Road and  
Park Avenue WestAddress: North Congress Avenue, Lake Park, FL 33403Zoning District: C-2 Future Land Use Comm\_Lt\_Industrial Acreage: 2.54  
Business district**Adjacent Property:**

Direction	Zoning	Business Name	Use
North	C2	Vacant	Vacant Commercial
East	C2	Vacant	Vacant Commercial
South	C2	Vacant	Vacant Commercial
West	TND	Residential	Residential

**Justification:**

Information concerning all requests (attach additional sheets if needed.)

1. Explain the nature of the request Construction of a +/- 17,135 square foot ALDI grocery store and  
associated parking lot and driveways.
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

2 What will be the impact of the proposed change on the surrounding area?

The proposed site is within a commercial business area so the proposed project should not have an adverse impact to surrounding projects.

3 How does the proposed project comply with Town of Lake Park's zoning requirements?

Proposed commercial business use complies with the current zoning and future land use designation.

**Legal Description:**

The subject property is located approximately \_\_\_\_\_ mile(s) from the intersection of \_\_\_\_\_, on the \_\_\_\_\_ north, X east, \_\_\_\_\_ south, \_\_\_\_\_ west side of North Congress Avenue (street/road)

Legal Description See attached legal description.

I hereby certify that I am (we are) owner(s) of record of the above described property or that I (we) have written permission from the owner(s) of record to request this action

  
\_\_\_\_\_  
Signature) of Owner/Applicant

3-5-14  
\_\_\_\_\_  
Date

**Consent Form from Owner and Designation of Authorized Agent:**

Before me, the undersigned authority, personally appeared \_\_\_\_\_  
who, being by me first duly sworn, on oath deposed and says:

1. That he/she is the fee simple title owner of the property described in the attached Legal Description
2. That he/she is requesting \_\_\_\_\_  
in the Town of Lark Park, Florida
3. That he/she has appointed Ryan Thomas, Brandon Ulmer, Thomas Engineering Group  
to act as authorized on his/her behalf to accomplish the above project

Name of Owner CONGRESS AVENUE PROPERTIES Ltd.

[Signature]  
Signature of Owner

Judith Galvie, V-President  
By Name/Title

4500 PGA Boulevard Suite 207  
Street Address

Palm Beach Gardens, FL 33418  
City, State, Zip code

\_\_\_\_\_  
P O Box

\_\_\_\_\_  
City, State, Zip code

561-691-9050  
Telephone Number

561-622-1851  
Fax Number

\_\_\_\_\_  
Email Address

Sworn and subscribed before me this 5<sup>th</sup> day of March, 2014



Debbie Powell  
Notary Public

My Commission expires.  
\_\_\_\_\_



Community

JUL 22 2014

www.pbcgov.org

July 18, 2014

**Department of Engineering and Public Works**

P.O. Box 21229  
West Palm Beach, FL 33416-1229  
(561) 684-4000  
FAX: (561) 684-4050  
www.pbcgov.com

**Palm Beach County Board of County Commissioners**

- Priscilla A. Taylor, Mayor
- Paulette Burdick, Vice Mayor
- Hal R. Valeche
- Shelley Vana
- Steven L. Abrams
- Mary Lou Berger
- Jess R. Santamaria

**County Administrator**

Robert Weisman

Ms. Nadia Di Tommaso  
Director of Community Development  
Town of Lake Park  
535 Park Avenue  
Lake Park, FL 33403

**RE: Aldi Grocery Store  
Project #: 140611  
TRAFFIC PERFORMANCE STANDARDS REVIEW**

Dear Nadia:

The Palm Beach County Traffic Division has reviewed the traffic study for the proposed retail project entitled; **Aldi Grocery Store**; pursuant to the Traffic Performance Standards in Article 12 of the Palm Beach County Land Development Code. The project is summarized as follows:

- Location:** East side of Congress Avenue, north of Investment Lane (Park Avenue), south of Northlake Boulevard.
- Municipality:** Lake Park
- PCN #:** 36-43-42-19-00-000-5040.
- Existing Uses:** Vacant
- Proposed Uses:** 17,107 SF Supermarket
- New Daily Trips:** 756
- New Daily Trips:** 25 AM and 91 PM
- Build-out:** End of Year 2018

Based on our review, the Traffic Division has determined the proposed supermarket is vested within a previously approved project (Parcel 34.03D – PBC#131222) with valid build-out, and therefore meets the TPS requirements of Palm Beach County. Note that all conditions tied to the previous approval which are not completed, remain applicable. No building permits are to be issued by the Town after the extended build-out date listed above. The County traffic concurrency approval is subject to the Project Aggregation Rules set forth in the Traffic Performance Standards Ordinance.

If you have any questions regarding this determination, please contact me at 684-4030 or e-mail me at [matefi@pbcgov.org](mailto:matefi@pbcgov.org).

Sincerely,

Masoud Atefi, MSCE  
TPS Administrator, Municipalities - Traffic Engineering Division

MA:bb  
ec: Mike A. Troxell PE., - Thomas Engineering Group

File: General - TPS - Mun - Traffic Study Review  
F:\TRAFFIC\maAdminApprovals\2014\140611.doc

"An Equal Opportunity  
Affirmative Action Employer"





EXECUTIVE OFFICE

# Seacoast Utility Authority

Mailing Address:  
P.O. Box 109602  
Palm Beach Gardens,  
Florida 33410-9602

**Community**

**MAR 07 2014**

**Document**

February 12, 2014

Mr. Brandon Ulmer  
Thomas Engineering Group, LLC  
1000 Corporate Drive, Suite 250  
West Palm Beach FL 33411

**Re: Aldi Lake Park  
Capacity Availability**

Dear Mr. Ulmer:

The referenced project lies within the water and sewer service area of Seacoast Utility Authority.

This will confirm the current status of water and wastewater capacity and commitments for Seacoast Utility Authority (Million Gallons Per Day).

	<u>Capacity</u>	<u>Committed and In Use</u>	<u>Available</u>
Water	21.09	16.463	4.627
Sewer	12.00	8.231	3.769

Please note that this statement reflects conditions as of this date; no guarantee of capacity availability in the future is expressed or implied, and **no capacity has been reserved for the referenced project.**

Should you have any questions, please feel free to call.

Sincerely,

SEACOAST UTILITY AUTHORITY

Dee Giles  
Developer Agreement Coordinator

cc: J. Lance, J. Callaghan



Town of Lake Park  
Community Development Department

**Nadia Di Tommaso**  
*Community Development Director*

August 29, 2014

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**MEMO**

Re: Flexible Development Standards -- *For Discussion Only*

To: Chair, Vice-Chair, and Planning & Zoning Board Members

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Over the past few months, staff has been reviewing several projects for new developments and redevelopments within the Town. Staff has also had the privilege of attending several economic development meetings with its North County partners. In light of the economic upturn, an analysis of the Town Code and its flexibility (or lack thereof) was performed. While the Town's Land Development Code was developed over the last 40 plus years and of course has also been modified throughout this lengthy timeframe, the Town is now over 90% built-out. While staff is concurrently working on a project that would update/modernize the permitted uses allowed in the various zoning districts, and eliminate inconsistencies and antiquated language in the Code, it is important that the Code also provide some flexible design standards for those seeking to develop or redevelop on lots that exemplify unique conditions. While variance or waiver applications will continue to be available to applicants, in an effort to more appropriately account for the Town's current conditions; provide business-friendly initiatives; and promote economic development through a systematic, fair, simple and more practical development standard(s) alternative, staff is proposing a new Code Section entitled: "Flexible Development Standards" and would like to discuss this proposal with the Planning & Zoning Board. Staff is not seeking a recommendation of approval or denial, but rather is hoping to share ideas with the Board in hopes to be able to finalize the proposal prior to bringing it forward to the Town Commission in early October. A copy of the proposed code language is enclosed.

Thank you.

Section 78-(insert) Flexible development standards.

(a) *Purpose.* The purpose of this Section is for the Town Commission to recognize that in order to be a highly competitive municipal jurisdiction that is prepared to quickly move to support quality economic development activity in the Town of Lake Park, it will be necessary to provide the Community Development Director, in collaboration with professional staff, the authority to approve pre-established flexible development standards from certain development standards currently found in the Town Code. This would include development standards such as building setbacks, number of parking spaces, and landscape buffers set forth in this Chapter provided that certain conditions exist. The intent of this Section is to promote the orderly and efficient development of property through the application of codified flexible development standards within a mostly built-out community with uniquely-sized lots.

(b) *Approval of flexible development standards.* Regardless of the minimum development standards otherwise required in this Code, the Community Development Director shall administer the following flexible development standards for the purpose of facilitating the orderly development and redevelopment of property within the Town of Lake Park. Determination of the applicability of flexible development standards shall be made by the Community Development Director in collaboration with professional staff, through an administrative approval process. The Community Development Director may place conditions on an approval to assure that the circumstances which warranted the application of the flexible development standards are maintained. Decisions by the Community Development Director shall be in writing and may be appealed to the Planning & Zoning Board by following the procedures for such appeals provided in Section 78-186 of this Chapter.

(c) *Flexible development standards permitted.* The cumulative total of any flexible development standard applied to a property by category or location shall not exceed the maximums set forth in this Section. The Community Development Director shall maintain appropriate records to ensure compliance with this provision.

(1) *Building Setbacks for Commercial Zoning Districts.* Front, side yard, side and rear setbacks establish the street and overall orientation for buildings. In some circumstances, the front, side yard, side and rear setbacks established for particular zoning districts require modification in order to create a more practical use of land in response to environmental or topographic considerations, or to promote consistency with existing or proposed patterns of development. The intent of this section is to provide for an administrative reduction in required front, side yard, side and rear setbacks for new developments and redevelopments where conditions warrant. It is not the intent of this section to simply provide a means to increase the buildable portion of a lot or lots. Consequently, the Community Development Director may impose those conditions reasonably necessary to ensure that the intent of this provision is carried out; such conditions may include, but are not limited to, the establishment of: additional required setbacks, build-to lines, and any required easements. Due consideration shall be given to the existing development pattern of the surrounding area and no approval of flexible

development standards shall be approved that would result in a substantial inconsistency with that pattern of development.

The Community Development Director is authorized to approve requests that deviate from required setbacks set forth in Article III of this Chapter by up to twenty percent of the required setbacks or 36 inches (3 feet), whichever is greater, upon determination that one or more of the following conditions exists:

a. There are site or structural conditions that preclude strict adherence to the setback requirements, such as, but not limited to: the lot does not meet the dimensional standards established for the zoning district in which it is located, or the lot size is less than 0.5 acres; or the lot has topographic limitations that require placement of the structure into the required setback area; or the structure is physically in line with an existing, legally established wall or walls of a principal structure already within the minimum setback area making it impractical to meet current setback requirements.

b. The part of the proposed structure that would encroach into the minimum setback area is less than 50% of the width of the affected building facade(s), provided the part of the structure that would encroach into a front setback shall either be open (such as a porch or screen room) or not subject to occupancy (such as a chimney).

c. The part of the proposed structure that encroaches into the minimum setback area is necessitated by a life-safety code, flood hazard reduction, Americans with Disabilities Act standard, or other public safety code requirements.

d. The proposed structure will allow the preservation of significant existing native vegetation.

(2) *Parking garages and parking lots.* Except for parking required for residential development of single-family or duplex lots, the Community Development Director is authorized to approve parking garages or surface area parking lots in connection with a permitted use that has up to 30 percent less than the required number of spaces set forth in Article V of this Chapter upon determination that one or more of the following conditions exists:

a. The applicant has presented a written parking needs analysis for the proposed use that demonstrates that a lower parking requirement adequately serves the parking needs of the use. This parking needs analysis shall be prepared by a Florida registered engineer or architect or by a certified planner or other professional qualified to do such analysis.

b. The applicant is proposing an adaptive reuse of an existing structure with a permitted use and there is insufficient space on site to accommodate the required parking.

c. The applicant is constructing an addition to an existing structure or site and sufficient new parking will be provided to accommodate the additional square footage without reducing the amount of parking serving the existing structure or site prior to the addition.

d. The proposed surface area parking lot or garage will allow the preservation of significant existing native vegetation.

(3) *Landscape Buffers for Commercial Zoning Districts.* The Community Development Director is authorized to approve requests that deviate from required landscape buffer requirements set forth in Article VIII of this Chapter by up to 84 inches (7 feet) of the landscape buffer required for property lines adjacent to a right-of-way, or by up to 24 inches (2 feet) of the required landscape buffer required for interior lot lines not adjacent to public rights-of-way, upon determination that one or more of the following conditions exists:

- a. There are site or structural conditions that preclude strict adherence to the landscape buffer requirements, such as, but not limited to: the lot does not meet the dimensional standards established for the zoning district in which it is located; or the lot size is less than 0.5 acres; or the lot is adjacent to more than one right-of-way thereby allowing all rights-of-way other than the front street to be eligible for a reduction; or the lot has topographic limitations.

*Landscape Buffer Planting requirements:* A reduced number of planting requirements within landscape buffers may be administratively waived if the Town Code requirements are in conflict with other agency requirements, for example, South Florida Water Management District, Seacoast Utilities Authority, Florida Power & Light and other respective reviewing agencies. A letter from the agency on letterhead explaining the requirements and that no alternative design is possible will be required.

*Mitigation:* Will be required elsewhere on the subject site when possible.

(4) *Variances.* If the Community Development Director grants approval of one or more flexible development standards for an applicant, the applicant shall not be entitled to request a variance from the flexible development standard granted. The granting of a flexible development standard shall not make void nor otherwise modify any variance decision made by the Planning & Zoning Board. This Section shall not prevent an applicant from applying for a variance pursuant to Article VI of the Town Code for a Code section not covered as a flexible development standard.