



**TOWN OF LAKE PARK
PLANNING & ZONING BOARD MEETING
AGENDA
DECEMBER 2, 2013
7:30 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

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

APPROVAL OF AGENDA

APPROVAL OF MINUTES

- Planning & Zoning Board Meeting Minutes of September 12, 2013

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. AN APPLICATION BY H&L PLANNING AND DEVELOPMENT SERVICES, AS AGENT FOR WATERFRONT SERVICES, INC., TO AMEND RESOLUTION 13-06-13, TO REVISE THE PREVIOUSLY APPROVED SITE PLAN TO RECONFIGURE THE ONSITE PARKING AND TO ELIMINATE THE CONDITION REQUIRING A CROSS ACCESS EASEMENT**

COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

ADJOURNMENT



**TOWN OF LAKE PARK
PLANNING & ZONING BOARD
SPECIAL CALL
MEETING MINUTES
SEPTEMBER 12, 2013**

CALL TO ORDER

The Planning & Zoning Board Special Call Meeting was called to order by Chair Judith Thomas at 6:17 p.m. Chair Judith Thomas apologized for being late, due to a family emergency.

PLEDGE OF ALLEGIANCE

ROLL CALL

Chair Judith Thomas	Present
James Lloyd	Present
Michele Dubois	Present

Also in attendance: Matt Ramenda, Town Attorney; Nadia Di Tommaso, Community Development Director; Debbie Abraham, Town Planner and Kimberly Rowley, Recording Secretary.

APPROVAL OF AGENDA

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

	Aye	Nay
Judith Thomas	X	
James Lloyd	X	
Michele Dubois	X	

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

APPROVAL OF MINUTES

Chair Thomas requested a motion for approval of the Minutes of the August 5, 2013, Planning & Zoning Board Meeting as submitted. Board Member Lloyd made a motion to approve the Minutes and the motion was seconded by Board Member Dubois. The vote was as follows:

	Aye	Nay
Judith Thomas	X	

James Lloyd	X	
Michele Dubois	X	

The Motion carried 3-0 and the Minutes of the August 5, 2013, Planning & Zoning Board Meeting were unanimously approved as submitted.

APPOINTMENT OF VICE-CHAIR

Chair Thomas opened the floor for nominations for the appointment of a Vice-Chair to the Planning & Zoning Board. Chair Thomas nominated James Lloyd as Vice-Chair, and there were no further nominations. The vote was as follows:

	Aye	Nay
Judith Thomas	X	
James Lloyd	X	
Michele Dubois	X	

Upon a 3-0 vote, James Lloyd was appointed as the Vice-Chair of the Planning & Zoning Board.

PUBLIC COMMENTS

Chair Thomas outlined the Public Comment procedure. There were no public comments.

ORDER OF BUSINESS

Chair Thomas outlined the Order of Business.

NEW BUSINESS

- A. SPECIAL EXCEPTION APPLICATION BY OFFLEASE AUTOMART, LLC. TO OPERATE A VEHICLE SALES WITH AN ACCESSORY REPAIR SHOP ESTABLISHMENT AT 1301 10TH STREET**

STAFF PRESENTATION

Debbie Abraham, Town Planner, addressed the Planning & Zoning Board and stated that the Applicant, Offlease Automart, LLC, is a new vehicle sales establishment looking to begin operations at 1301 10th Street. The Applicant is proposing to utilize the Site for vehicle sales and sales of minor accessory parts and installation. Ms. Abraham explained that the Site is part of the Commercial-1 (C-1) Business District, a zoning district which is geared towards professional and retail use. Ms. Abraham further explained that the C-1 District in Section 78-71 of the Town's Code of Ordinance includes a Special Exception subsection which requires that "vehicle sales establishments" be approved by Special Exception only, and that it is this Regulation which prompted the Applicant to submit a Special Exception Application in order to be considered for zoning approval.

Ms. Abraham mentioned to the Planning & Zoning Board that a Photometric Plan had been placed in front of each Board Member on the dais, and that it replaces the version distributed in the Agenda Packet. Ms. Abraham stated that Staff did use this Photometric Plan during the review process and the determinations found within the Staff Report are relevant to this version of the Plan, which should have been the version included in your packets.

Ms. Abraham explained that the Special Exception Application allows Staff to evaluate the Application against the six Criteria for Special Exception Use pursuant to Code Section 78-184 of the Town's Code. The Special Exception criterion is designed to ensure compatibility between the proposed use on the existing Site and that of surrounding properties. Satisfaction of the criteria also ensures that the Town Code Regulations and Comprehensive Plan guidelines are met. It also seeks to prevent any uses that might incur unwanted traffic, negative environmental impacts, or nuisances such as noise, light or odor.

Ms. Abraham showed a visual location description of the Site and explained that the site neighbors commercial districts to the south and west sides, a non-conforming residential complex to the east, and a commercial/residential district to the north. The Site's neighboring businesses include a variety of professional and retail services including establishments with automotive-type uses and that currently there are no uses in the immediate surrounding area which are classified as "vehicle sales establishments". Ms. Abraham stated that although the Site has historically been used as a restaurant, it can accommodate many of the uses permitted in the C-1 District. For the past 12 months, the Site has been unoccupied and underutilized, but the site has been maintained by the property owner. Ms. Abraham stated that the Applicant's goal is to revitalize and provide much-needed occupancy to the site, which is in line with the Town's Comprehensive Plan and which promotes the utilization of underutilized parcels.

Ms. Abraham explained that in pursuit of the Special Exception, the Applicant submitted a Survey and Site Plan which gives a detailed description of how the Applicant proposes to use the Site. The Site is approximately 0.95 acres with the building size of 4,344 square feet. The Applicant proposes to use the inside of the building as a customer service area where the paperwork and sales transactions are expected to occur. The Site has an existing covered area outside of the building that will be used for hubcap and rim installation, without the use of any heavy machinery or fluids. This area is referred to as "accessory vehicle repair". The majority of the existing parking lot is to be designated for outdoor sales display, where the inventory will be stored. The Site currently has a fence along the east side and landscaping along the east and south sides of the property. The Applicant is proposing to install a fence along the perimeter of the property, and to install a 30-inch hedge along the north and west sides of the Property. Staff suggested that the Applicant install three (3) additional palm trees, at a minimum of 12 feet in height and 3 feet in diameter, in order to maintain the existing row of palm trees along the east property line. Ms. Abraham further explained that given the square footage and maximum employee count of three (3) employees, the proposed Special Exception Use exceeds the Town's parking requirement of 15 spaces for customers, employees, and ADA parking on the Site. As indicated on the Site Plan, the Applicant is proposing to provide 19 parking spaces and to utilize the remaining parking

spaces for inventory display. Staff recommended that the Applicant remove three (3) parking spaces that are currently angled along the building's east side to enable sufficient queuing of vehicles. Ms. Abraham stated that the proposed hours of operation for Offlease Automart are Monday -Friday from 9:30 a.m. - 8:00 p.m.; Saturdays from 9:30 a.m. - 7 p.m., and Sundays from 12:00 Noon – 5:00 p.m., and that these hours of operation are similar to other existing businesses along 10th Street.

Ms. Abraham stated that with the exception of the proposed fencing, the Applicant is not proposing any changes to interior or exterior of the Site. As shown in the Applicants' Photometric Plan, the Applicant will keep the existing amount of lighting on Site. The Photometric Plan verifies that the existing light fixture illumination levels meet the Town's lighting requirements, and as a result, will not produce any visual nuisances to any neighboring properties. Ms. Abraham explained that existing FPL poles located in the Town-owned alleyway that will be used to illuminate the side closest to the residential complex on the east side, consist of directional light fixtures which result in a zero foot candle illumination anywhere beyond the poles, and this means that the light will not extend into the residential area. The light fixtures have been in place for several years and are connected to the property owner's meter for billing purposes, and additionally, the proposed use will not operate in a fashion that generates any nuisances, including noise or odor. Ms. Abraham stated that Palm Beach County Traffic Division has given a verbal confirmation that the proposed use will not negatively affect traffic in the area, and that a letter is forthcoming. Furthermore, the Applicant's Traffic Analysis indicates that the use is expected to incur less traffic than the previous use of a restaurant.

STAFF RECOMMENDATION

Ms. Abraham stated that upon assessing the Applicant's ability to meet the Special Exception Use Criterion, Staff is recommending approval of the proposed Special Exception Use of a "vehicle sales establishment with an accessory vehicle repair shop", subject to the following conditions of approval found in the Staff Report, as well as any additional conditions which may be recommended by the Planning & Zoning Board. Staff's conditions include:

1. The Applicant shall develop the Property consistent with the following Plan submitted by Compass Surveying:
 - a. Boundary Survey and Site Plan referenced as Sheet 1 of 1; prepared by Clyde O. McNeal PSM, signed and sealed 08/12/2013 and received and dated by the Community Development Department on 08/26/2013.
 - b. A Photometric Plan prepared and signed and sealed by Ronald Levinson, P.E. on 08/27/2013, and received and dated by the Community Development Department on 08/27/2013.

2. Pursuant to the Site Plan, a thirty (30) inch hedge shall be installed within the north and west perimeter landscape buffers; all perimeter hedge material, including the existing hedge material surrounding the outdoor covered area, shall be maintained at a minimum 5 foot height, and the installation of three (3) additional palm trees at a minimum 12 foot height and three-foot trunk diameter within the east landscape buffer.

3. Three (3) existing parking spaces along the east building wall shall be removed per the Site Plan.

APPLICANT PRESENTATION

The Applicant, Dan Wynne, Jerri Lee and Chris McKee approached the podium and thanked staff for bringing this item forward. They stated they did not have a formal presentation however, were available to answer any questions.

PLANNING & ZONING BOARD MEMBER COMMENTS

Chair Thomas questioned the difference in the Photometric Plans provided. Ms. Abraham explained that the Photometric Plan which was attached to the Application showed that the light fixtures at the current location do not illuminate the front of the building as required by Town Code. The Photometric Plan which was placed on the dais shows the light fixture moved closer to the front door of the building to provide illumination higher than 0.3 foot candles as required by Town Code. Ms. DiTommaso, Community Development Director, added that the southwest portion of the parking lot that currently has inventory spaces and customer parking has a minimum 0.3 foot candle requirement and the Photometric Plan submitted as part of the Agenda Packet did not reflect the minimum requirement, nor did it reflect the minimum 0.1 foot candle requirement at the entrance point of the building facing Northern Drive. Ms. DiTommaso stated that the Photometric Plan which was distributed to the P&Z Board this evening is the Plan that was utilized by Staff for review. This plan does reflect the minimum code requirements and also includes light detail information. The content of the Staff Report matches the Photometric Plan distributed this evening.

Mr. Jerry Lee, introduced himself as one of three managing members of Offlease Automart, LLC. Mr. Lee thanked the P&Z Board for the opportunity to come before them, and also thanked Debbie and Nadia for their hard work and dedication on this Application. Chair Thomas asked Mr. Lee about the interior of the building, which currently looks dark and what changes would be made in order to improve the darkness. Mr. Lee stated that they are going to be increasing the wattage of the interior lighting. Mr. Lee stated that they would not be serving alcoholic beverages and that the bar would not be utilized. Vice-Chair Lloyd asked Mr. Lee if Offlease Automart is purchasing or leasing the property and if the CRA is involved. Mr. Lee stated that they have a contract to lease with an option-to-buy and that he is not aware of any CRA involvement. Mr. Lloyd stated that the previous operation had grants for the landscaping and the building, and he is curious if the grants were paid. Community Development Director DiTommaso stated that she would have to check with the Finance Department, but that the grants would not affect this Project in any way. Vice-

Chair Lloyd welcomed Mr. Lee and wished him luck with their endeavor. There was discussion regarding the stoplight at the 5-point intersection at Northern Drive and 10th Street. Chair Thomas asked about security of the business. Mr. Lee stated that they are currently investigating several security plans and that security cameras are proposed to be placed at the northeast corner of the building where the parking spaces are going to be removed, as well as the placement of several rotating cameras on the building. Mr. Lee also stated that the property will be completely fenced in order to secure the premises. Chair Thomas initiated discussion regarding access to the property. Mr. Lee stated that there will be three points of access to the property, but that the main access to the business will be on Northern Drive. Mr. Lee stated that the gate located on the south side of the property will not be open during business hours with the only exception to unload vehicles. Chair Thomas questioned the ancillary use of the business for the installation of tires and rims and stated that since the Special Exception is for a repair shop, she is interested in how much auto repair will actually be done on site. Mr. Lee stated that there will be no mechanics or auto repairs on site, only the changing of tires and/or hubcaps on their own inventory of vehicles. Co-owner Chris McKee stated that any repairs conducted on site will be minor in nature, as most of the vehicles offered for sale will be late model, no more than three years old, and under factory warranty. Mr. McKee further stated that Offlease Automart will not be in the auto repair business, but in the business to sell cars, and will not be doing any type of lift repairs, but simply bringing their own vehicle inventory up to standard for their customers. Chair Thomas stated that the Special Exception is for auto repair, but she needs a clear understanding of what the Board will be approving. Co-owner Dan Wynn stated that Offlease Automart is auto sales only and there will be no repair work whatsoever, only changing tires and/or rims for their own customers. Chair Thomas asked Staff if they could restructure the language to include Condition #4. Community Development Director DiTommaso asked the Board for flexibility in restructuring the language, but that Staff is proposing Condition #4 as: *ancillary repairs shall be limited to minor installations not involving any repair work involving heavy machinery or fluids.*

PUBLIC COMMENTS ON THE APPLICATION

Chair Thomas mentioned that there were no Public Comments Cards received, and therefore no comments from the public.

PLANNING & ZONING BOARD RECOMMENDATION

There being no further discussion, Chair Thomas asked for a motion from the Board. Vice-Chair Lloyd made the motion to provide a recommendation of approval to the Town Commission for the Special Exception, with the Conditions listed within the Staff Report, as well as the new Condition #4 as discussed. The motion was seconded by Board Member DuBois and the vote was as follows:

	Aye	Nay
Judith Thomas	X	
James Lloyd	X	
Michele Dubois	X	

The vote was 3-0 and the Motion was unanimously approved.

COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

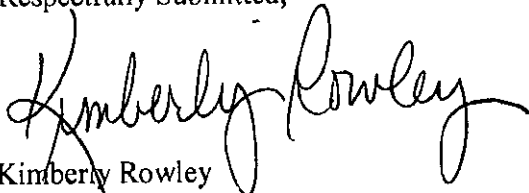
There were no comments from the Community Development Director.

Chair Thomas asked the Community Development Director if there are any new Planning & Zoning Board Members being considered. Ms. DiTommaso stated that several applications have been received and that they will be considered by the Town Commission.

ADJOURNMENT

There being no further business before the Board, the Meeting was adjourned at 6:54 p.m. by Chair Judith Thomas.

Respectfully Submitted,



Kimberly Rowley
Planning & Zoning Board Recording Secretary

PLANNING & ZONING BOARD APPROVAL:

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

DATE:



**TOWN LAKE OF PARK
PLANNING AND ZONING BOARD**
Meeting Date: December 2, 2013

**AN APPLICATION BY H&L PLANNING AND DEVELOPMENT SERVICES AS
AGENT FOR WATERFRONT SERVICES INC. TO AMEND RESOLUTION
13-06-13, TO REVISE THE PREVIOUSLY APPROVED SITE PLAN TO
RECONFIGURE THE ONSITE PARKING AND TO ELIMINATE THE
CONDITION REQUIRING A CROSS ACCESS EASEMENT**

BACKGROUND:

Applicant(s): H&L Planning and Development Consultants
Owner(s): PO LLC
Address/Location: 900 10th St.
Net Acreage: 0.70 acres
Legal Description: CITY SQUARE SLY 115.77 FT OF NLY 277 FT OF ELY 174 FT &
SLY 102.86 FT OF NLY 231.86 FT OF WLY 81.20 FT
Existing Zoning: C-2
Future Land Use: COMMERCIAL

Adjacent Zoning District

North: Commercial -2 (C-2)
South: Commercial -2 (C-2)
East: Commercial-1 (C-1)
West: Commercial-4 (C-4) & Campus Light Industrial/Commercial (CLIC)
(FEC Railway)

Adjacent Existing Land Use Designation

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

Background

In June of 2013, the Town Commission approved Resolution 13-06-13 (the Development Order), authorizing the Special Exception Use of "building supplies/retail/storage warehouse (the Application) to be located at 900 10th Street (the Property). The application for the Special Exception Use was submitted by H&L Planning and Development Consultants as the authorized agent for Waterfront Services Incorporated ("Applicant"). The Commission's approval of the Development Order authorized the Applicant to relocate its pool contracting company to the Property. The Property is located in the C-2 Zoning District which permitted the Applicant's proposed uses as special exceptions.

As part of the original Application, the Applicant proposed 7 parking spaces on both the north and south sides of the existing building. This design relied upon the use of neighboring driveways to access these parking spaces. In order to implement this design, the Development Order imposed a condition which required the Applicant to enter into Cross Access Easement Agreements with the neighboring property owners to the north and south. However, the neighboring property owners have not been willing to enter into these Cross Access Easements. As a result, the Applicant has not been able to develop the Property per the approved Development Order.

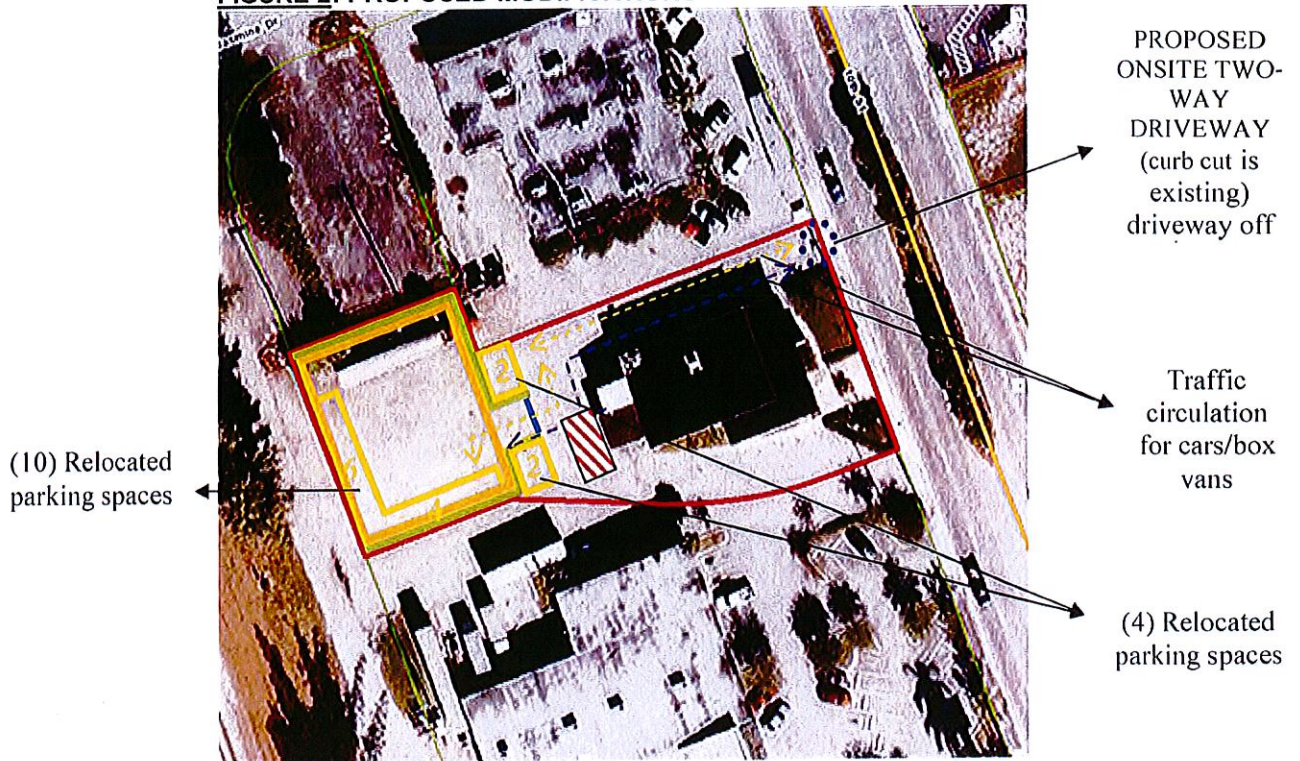
FIGURE 1: EXISTING CONDITIONS PER ORIGINAL SPECIAL EXCEPTION APPROVAL (REQUIRING CROSS ACCESS EASEMENTS TO THE NORTH AND SOUTH)



The Application

The Applicant proposes to amend the Development Order to revise the Site Plan and provide parking in the back of the Property as shown on Sheet SP-1, instead of along the north and south sides of the building. The revised Site Plan eliminates the need for the cross access easements with the neighboring property owners. The Site Plan, as revised shows a 25 foot, two way drive aisle (accessed by a driveway) on the north side of the Property. Figure 2 illustrates the new access to the Property and the relocated parking spaces at the back of the building where the storage area was to have been located pursuant to the Development Order.

FIGURE 2: PROPOSED MODIFICATIONS



Staff Analyses of the Application

Based upon the proposed uses, Section 78-142 of the Code requires 14 parking spaces. The Applicant proposes to distribute these spaces as follows: 4 customer parking spaces (office), one of which is handicapped accessible; 2 spaces for the warehouse use; and 8 spaces for employees. The revised Site Plan meets this requirement and allocates the parking spaces as follows: 6 along the Property's rear property line; 4 along the side property line, and 4 in front of the outdoor storage area for customers. The Applicant's revised Site Plan still meets the number of parking spaces required by Section 78-142 of the Code.

Staff finds that the Application meets the special exception criteria set forth in the Code. The staff finds that as revised, access to the Property will now be provided without having to depend on the neighboring properties. Additionally, staff finds that the revised Site Plan improves traffic circulation on the Property and also improves the traffic circulation to the neighboring properties.

STAFF RECOMMENDATION

Staff recommends APPROVAL of the Application, and the amendments proposed to the Development Order (Resolution 13-06-13), subject to two conditions:

- (1) The Owner shall develop the Property consistent with the Site and Landscape Plan referenced as Sheet SP-1 prepared by Litterick Landscape Architecture, signed and sealed 11-08-2013 and received by the Department of Community Development on 11-08-2013.
- (2) The Owner shall incorporate Identification signs reading "Customer Parking" in the customer parking spaces.



Community
NOV - 8 2013
Devel.

THE TOWN OF LAKE PARK
Community Development Department

APPLICATION FOR SPECIAL EXCEPTION REVIEW

Name of Applicant/Agent: James G. Hackett, H&L Planning and Development

Address: 612 N. Orange Ave., Suite D12, Jupiter, FL 33458

Telephone: 561.222.9284 Fax: 561.383.3167

E-mail address: james@hlplanning.net

Owner Agent (Attach Agent Authorization Form)

Owner's Name (if not applicant): Mary Lafuente - PO, LLC

Address: 509 NW 55th Terrace, Boca Raton, FL 33487

Telephone: Fax:

E-Mail address:

Property Location: 900 10th Street

Legal Description: See attached legal description

Property Control Number: 36-43-42-20-06-001-0020

Future Land Use: Commercial Zoning: C-2

Acreage: 0.70 Acres Square Footage of Use: 3,981 sf.

Proposed Use: Retail, showroom, and accessory warehouse for local pool company

Adjacent Property

Direction	Zoning	Business Name	Use
North	C-2	C-2	Retail
East	C-1	N/A - Vacant	Vacant
South	C-2	Mixed Use Retail Stores	Retail
West	N/A	N/A	Railroad Tracks

APPLICATION REQUIREMENTS:

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

Please see attached statement of use

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.

Please see attached statement of use

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.

Please see attached statement of use

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.

Please see attached statement of use

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. Please see attached statement of 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.

Please see attached statement of use

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.

NOV - 8 2013



**Waterfront Services Inc.
Special Exception Review Application
900 10th Street
Town of Lake Park
November 8, 2013**

Introduction

Waterfront Services Inc. ("the Applicant") is seeking a Special Exception Review approval to amend a previously approved site plan to relocate existing parking spaces to the rear of the existing building. On June 19, 2013, the Town of Lake Park's Town Council approved the special exception request to allow the applicant to occupy the existing building located at 900 10th Street in the Town of Lake Park. Pursuant to Resolution 13-06-13, the applicant was approved for building supplies, office and retail space with a storage warehouse.

As noted in the previous application the subject site is located in the C-2 Zoning District. The existing site is approximately 0.61 acres in size with an existing 3,961 square foot building. The applicant is seeking approval to amend the site plan to relocate the existing parking spaces which are currently adjacent to the existing building to the rear of the building.

As part of the original special exception approval, the project was approved with certain conditions of approval. Specifically, the applicant was required to obtain cross access easement agreements from the adjacent property owners to both the south and north. Over that past several months, the applicant has been unable to obtain said easements. Both adjacent properties have been unwilling to compromise on terms to obtain these agreements. Therefore, the request to relocate the existing parking spaces is required to allow this site to be deemed usable.

The applicant is requesting to delete the following condition of approval:

The Owner shall submit a Cross Access Easement Agreement, executed by the Owner and the legal owners of the properties, north and south, prior to the issuance of any development permits. The Cross Access Easement Agreement shall be subject to the review and approval of the Town Attorney.

There are no other requests as part of this application. The site and landscape plans have been amended and continue to meet the Town's code requirements. Below is information provided as part of the original special exception request:

Storage Area Breakdown

Below is a list of vehicles to be stored in the outdoor storage area:

1998 Ford F-650 5 Yard Dump Truck
Kaufmann 26' Foot Trailer with Kubota KX-80 Excavator on it

Anderson 24' Trailer with Bobcat Skid Steer on it
2000 F-550 Flat Bed Pickup Truck
2001 F-250 utility body work truck
2007 Dodge 2500 Utility body work truck
2001 GMC Work Van
2003 Ford E-250 Work Van
24' White enclosed trailer – Left on job most of the year not in yard but occasionally in yard
12' Black enclosed job trailer – same as above not always in yard
14' Black enclosed job trailer – same as above not always in yard
16' white enclosed job trailer – same as above not always in yard
2012 Kubota kx-35 mini excavator

Trucks leave yard at 7:30-8:00 in morning and don't come back until 4:00-4:30 or later. Specific equipment for each job gets delivered to the site and does not come back to this facility. Additionally, the total numbers of employees are 8; however 4 of them come and go during the day.

Application Requirements

1. The Special Exception request remains consistent with the goals, objectives and policies of the Town's Comprehensive Plan. The subject site has an underlying Commercial Land Use designation with a C-2 Zoning District. Office with warehouse/showroom is consistent with the uses allowed in this land use designation as well as the used within the surrounding area. Waterfront Services provides clients the opportunity to view product samples, such as water features, pool tiles, etc. such as a typical commercial use would provide.
2. The proposed special exception remains consistent with the land development and zoning regulations and all other portions of the Town's Code of Ordinance. At this time, the applicant is requesting to allow an amendment to a previously approved special exception request. The site continues to meet or exceeds landscape requirements in the front of the existing building. The applicant is proposing additional landscaping, where applicable in the rear to screen the proposed fence and parking spaces. All other code requirements have been met, including but not limited to, required parking spaces.
3. Waterfront Services is a compatible use and is consistent with the surrounding uses and area. As mentioned above, the business will provide clients the opportunity to preview product material within a proposed showroom. The outdoor storage is consistent with the existing FP&L facility down the street and with the adjacent delivery area. This type of use is consistent with other uses within the C-1 and C-2 Zoning Districts which surrounding the subject site.
4. The proposed use does not create a concentration or proliferation of the same or similar type of uses. At this time, there are no other similar uses within the immediate area. Additionally, this type of business will provide the residents of Lake Park a service which is in high demand. Both residential and commercial development and/or redevelopment are increasing and this use will be beneficial to the Town.
5. The proposed special exception will not be a detrimental impact on the surrounding area. There is no significant increase in traffic due to the proposed use. The business has

approximately ten (10) employees which are not all there at the same time. All external storage is proposed to be screened and meet all Town code requirements to the greatest extent possible. All significant deliveries happen at individual job sites and will not happen at this facility. Therefore, existing conditions on site will actually be improved from its current state.

6. The existing site has been vacant for an extended period of time. The front of the building has been kept up to Town requirements, however the rear is in need of additional landscaping and improvements. With the approval of this request, the applicant is proposing to provide additional landscaping and will clean up the rear of the building. Additionally, the applicant will be modifying the external building façade at a later date. These modifications will be submitted to the Town for approval once designed. All of which will increase the value of the existing property as well as surrounding properties. There are no negative impacts to parks and open space as part of the approval.

Conclusion

The Applicant is requesting an approval for an amendment to the approved site plan from the Town of Lake Park to allow Waterfront Services to occupy the existing building and provide a service to the local community. On behalf of the Applicant, H&L Planning and Development Consultants request approval of the Special Exception Review request. We look forward to working with Staff to bring this application before Town Council for final approval as quickly as possible. We are available to answer any questions Staff might have and/or provide necessary information to supplement the information provided in the submittal. Please do not hesitate to contact James Hackett of H&L Consultants should you require additional information.

NOV - 8 2013

Dee

LEGAL DESCRIPTION:

A PARCEL OF LAND IN LAKE PARK (FORMERLY KELSEY CITY), PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF TRACT "A", PLAT OF CITY SQUARE, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 27, PAGES 192 AND 193, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE ANGLE POINT IN THE EASTERLY LINE OF SAID TRACT "A", RUN NORTHWESTERLY, ALONG SAID EASTERLY LINE (ALSO BEING THE WESTERLY RIGHT-OF-WAY LINE OF 10TH STREET STATE ROAD NO. A1A), A DISTANCE OF 304.61 FEET TO THE POINT OF BEGINNING AND THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE CONTINUE NORTHWESTERLY, ALONG SAID EASTERLY LINE OF TRACT "A", A DISTANCE OF 115.77 FEET TO A POINT IN A LINE PARALLEL TO AND 161.23 FEET SOUTHERLY FROM, MEASURED AT RIGHT ANGLES, TO THE NORTH LINE OF SAID TRACT "A"; THENCE SOUTHWESTERLY, ALONG SAID PARALLEL LINE, A DISTANCE OF 174.00 FEET TO A POINT; THENCE NORTHWESTERLY AT RIGHT ANGLES TO THE PRECEDING COURSE FOR A DISTANCE OF 32.24 FEET TO A POINT; THENCE SOUTHWESTERLY, ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID TRACT "A" AND 129 FEET SOUTHERLY THEREOF, MEASURED AT RIGHT ANGLES TO, FOR A DISTANCE OF 81.20 FEET TO A POINT IN THE WESTERLY LINE OF SAID TRACT "A"; THENCE SOUTHEASTERLY, ALONG SAID WESTERLY LINE, A DISTANCE OF 102.86 FEET; THENCE NORTHEASTERLY, MAKING AN ANGLE WITH THE PRECEDING COURSE OF 90°02'00", MEASURED FROM NORTHWEST TO NORTHEAST, A DISTANCE OF 72.27 FEET; THENCE EASTERLY, MAKING AN ANGLE WITH THE PRECEDING COURSE OF 157°13'00", MEASURED FROM WEST THROUGH SOUTH TO EAST, A DISTANCE OF 71.86 FEET, TO THE BEGINNING OF A CURVE, CONCAVE TO THE NORTH, HAVING A RADIUS OF 222 FEET AND A CENTRAL ANGLE OF 22°47'00"; THENCE EASTERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 88.28 FEET TO THE END OF SAID CURVE; THENCE EASTERLY, ALONG THE TANGENT TO SAID CURVE, A DISTANCE OF 30.65 FEET TO THE POINT OF BEGINNING.

Communit...

NOV - 8 2013

Document...

February 25, 2013

Town of Lake Park, Community Development Department
535 Park Avenue
Lake Park, FL 33403

Attention: Nadia DiTommaso

With this letter, I authorize you to recognize James G Hackett with H&L Planning and Development as my Agent, and acting in my behalf may sign for special exception application at 900 10th Street, Lake Park, Florida.

By my signature, I recognize and approve the submittal of a special exception application for this property.

Mary D Lafuente
Signature

Mary D. Lafuente
Name

Managing Member of
Title

2/26/2013
Date

STATE OF FLORIDA
COUNTY OF PALM BEACH

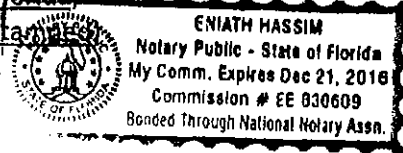
The foregoing instrument was acknowledged before me this 26 day of FEB, 2013, by (name of person acknowledging).

MARY D LAFUENTE

[Signature]
(Signature of Notary Public-State of Florida)

(NOTARY SEAL)

(Name of Notary Typed, Printed, or Stamped)



Personally Known _____ OR Produced Identification

Type of Identification Produced

FLORIDA DRIVERS License

COMMUNITY
107 - 8 2013
De...

THIS IS

RETURN TO:
Mary Sue Donohue, Attorney
1515 N. Federal Hwy, Suite 418
Boca Raton, FL 33432

MAR-21-1994 10:16am 94-097106
ORB 8174 Pg 580
Con 10.00 Dec .70

DISCLAIMER: This document is prepared without title examination upon the representations of the parties and with no knowledge on the part of the scrivener as to the actual state of the title.

Space above for recording information

WARRANTY DEED

THIS INDENTURE, made this 12 day of March, 1994, BETWEEN MANUEL P. LAFUENTE and MARY D. LAFUENTE, his wife, Grantors, and MARY D. LAFUENTE, Trustee of MARY D. LAFUENTE REVOCABLE LIVING TRUST dated July 31, 1990, (Manuel P. Lafuente, Successor Trustee), Grantee, granting the Trustee with the power and authority to protect, conserve and to sell, lease, encumber or otherwise manage and dispose of real property conveyed, whose address is 509 N.W. 55th Terrace, Boca Raton, FL 33487.

WITNESSETH, that said grantors, for and in consideration of the sum of Ten (\$10.00) Dollars, and other good and valuable considerations to said grantors in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Palm Beach County, Florida, and described as follows:

See Attached Exhibit "A"
Property Control 30-43-42-20-00-0000

and said Grantors do hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

Subject to restrictions, easements and limitations of record taxes for the year 1994 and all subsequent years and to all valid zoning ordinances, if any.

IN WITNESS WHEREOF, grantors have hereunto set their hand and seal the day and year first above written. Signed sealed and delivered in our presence:

David T. Howett
WITNESS

David T. Howett
Mary Sue Donohue
WITNESS MARY SUE DONOHUE

Manuel P. Lafuente
MANUEL P. LAFUENTE, Grantor
SSN [REDACTED]

Mary D. Lafuente
MARY D. LAFUENTE, Grantor
SS [REDACTED]

This is a

ORB 8174 Pg 581

STATE OF FLORIDA
COUNTY OF PALM BEACH

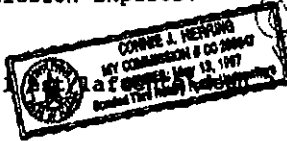
I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared: MANUEL P. LAFUENTE and MARY U. LAFUENTE, known to be the persons described in and who executed the foregoing instrument and acknowledged before me that they executed the same and produced Personally Produced as a form of identification.

WITNESS my hand and official seal in the County and State last aforesaid this 1st day of March, 1994.

My Commission Expires:

Cornie J. Herring
Notary Public

#7/rea



Certified copy

This is not a legal document

EXHIBIT "A"

ORB 8174 P. 582
RECORD VERIFIED DOROTHY H. WILKEN
CLERK OF THE COURT - PB COUNTY, FL

A parcel of land in Lake Park (formerly Kelsey City), Palm Beach County, Florida, being a portion of Tract "A", PLAT OF CITY SQUARE, according to the plat thereof, recorded in Plat Book 27, Pages 192 and 193, Public Records of Palm Beach County, Florida, and being more particularly described as follows:

From the angle point in the Easterly Line of said Tract "A", run Northwesterly along said Easterly line (also being the Westerly right-of-way line of 10th Street State Road No. (A1A) a distance of 304.61 feet to the Point of Beginning and the Southeast corner of the herein described parcel of land; thence continue Northwesterly, along said Easterly line of Tract "A", a distance of 115.77 feet to a point in a line parallel to and 161.23 feet Southerly from measured at right angles to the North line of said Tract "A"; thence Southwesterly along said parallel line a distance of 174.00 feet to a point; thence Northwesterly at right angles to the preceding course for a distance of 32.24 feet to a point; thence Southwesterly along a line parallel to the North line of said Tract "A" and 129 feet Southerly thereof measured at right angles to, for a distance of 81.20 feet to a point in the Westerly line of said Tract "A"; thence Southeasterly, along said Westerly line, a distance of 102.86 feet; thence Northeasterly, making an angle with the preceding course of $90^{\circ} 02' 00''$ measured from Northwest to Northeast a distance of 72.27 feet; thence Easterly making an angle with the preceding course of $157^{\circ} 13' 00''$ measured from West through South to East, a distance of 71.86 feet to the beginning of a curve concave to the North having a radius of 222 feet and a central angle of $22^{\circ} 47' 00''$; thence Easterly along the arc of said curve a distance of 88.28 feet to the end of said curve; thence Easterly, along the tangent to said curve, a distance of 30.65 feet to the Point of Beginning.

NOV - 6 2013

DEVELOPMENT



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

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

County Administrator

Robert Weisman

"An Equal Opportunity
Affirmative Action Employer"

May 31, 2013

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

**RE: 900 10th Street
Project #: 130512
TRAFFIC PERFORMANCE STANDARDS REVIEW**

Dear Nadia:

The Palm Beach County Traffic Division has received and reviewed the traffic statement for the proposed renovation project entitled; **900 10th Street** pursuant to the Traffic Performance Standards in Article 12 of the Palm Beach County Land Development Code. The project is summarized as follows:

- Location:** West side of 10th Street, north of Park Avenue, south of Jasmine Drive.
- Municipality:** Lake Park
- PCN #:** 36-43-42-20-06-001-0020.
- Existing Uses:** 3,961 SF General Office - to be Renovated
- Proposed Uses:** 2,777 SF General Office, and 1,184 SF Warehouse.
- New Daily Trips:** Trip Reduction
- New Daily Trips:** Trip reduction AM and PM
- Build-out:** End of Year 2015

Based on our review, the Traffic Division has determined the proposed office/warehouse renovation project constitutes insignificant peak hour traffic impact on the roadway network and therefore meets the TPS requirements of Palm Beach County. 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@pbccgov.org.

Sincerely,

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

MA:saf
cc: Adam B. Kerr PE., - Kimley-Horn & Associates, Inc.

File: General - TPS - Mun - Traffic Study Review
F:\TRAFFIC\ma\Admin\Approvals\2013\130512.doc

RESOLUTION NO. 13-06-13

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SPECIAL EXCEPTION USE FOR BUILDING SUPPLIES OFFICE AND RETAIL SPACE WITH A STORAGE WAREHOUSE TO BE LOCATED AT 900 10th STREET IN THE C-2 ZONING DISTRICT; PROVIDING FOR CONDITIONS ASSOCIATED WITH THE USE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, H&L Planning and Development, (“Applicant” and “Agent”) for Waterfront Properties, Inc. who will be the owner of a building supplies, office, retail and storage warehouse business to be located at 900 10th Street (“Subject Property”) in the Town of Lake Park, Florida; and

WHEREAS, the property is currently owned by PO LLC (“Property Owner”); and

WHEREAS, the subject property is within the C-2 zoning district, and

WHEREAS, the Applicant has submitted an application for approval of a special exception use to allow a building supplies, office, retail and storage warehouse establishment (“Application”) to be operated at 900 10th Street; and

WHEREAS, the Town of Lake Park’s Planning and Zoning Board has reviewed the Application and has made its recommendation to the Town Commission; and

WHEREAS, the Town Commission has conducted a quasi-judicial public hearing to consider the Application; and

WHEREAS, at this hearing, the Town Commission considered the evidence presented by the Town Staff, the Applicant, and other interested parties and members of the public, regarding the Application’s consistency with the Town’s Comprehensive Plan, the special exception criteria as set forth in Section 78-184, and other provisions of the Town’s Land Development Regulations which are applicable, and

WHEREAS, at the hearing the Town Commission determined that certain conditions are necessary in order for the Application to meet the special exception criteria of Section 78-184 and the Town’s Land Development Regulations; and

WHEREAS, the Applicant, the Property Owner, and their successors and assigns shall be subject to the conditions contained in Section 2.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK:

Section 1: The whereas clauses are incorporated herein as the findings of fact and conclusions of law of the Town Commission.

Section 2. The Town Commission hereby approves the request for a special exception use of a building supplies, office, retail, and storage warehouse establishment on the subject property subject to the following condition:

- (1) The Owner shall develop the Property consistent with the following Plan submitted by H&L Planning and Development Consultants:**
 - a) Site and Landscape Plan referenced as Sheet 1, and prepared by Tony Grimaldi Landscape Architecture, signed and sealed 05/21/2013 and received and dated by the Department of Community Development on 05/24/2013.**
- (2) The Owner shall submit a Cross Access Easement Agreement, executed by the Owner and the legal owners of the properties, north and south, prior to the issuance of any development permits. The Cross Access Easement Agreement shall be subject to the review and approval of the Town Attorney.**

Section 3: This Resolution shall become effective upon adoption.

