



**MINUTES
PLANNING & ZONING BOARD
MONDAY, MARCH 5, 2007
535 PARK AVENUE
LAKE PARK, FLORIDA**

Call to Order: 7:00 p.m.

Roll Call

Chairman Jeff Blakely	Present
Vice Chairman James Dubois	Present
Jeanine Longtin	Present
Diane Munroe	Present
Todd Dry	Present
Tim Stevens, 1 st Alt.	Excused

Approval of Agenda

Ms. Diane Munroe made a motion to approve the agenda. Seconded by Vice Chairman Dubois.

	Aye	Nay
Jeff Blakely	X	
James Dubois	X	
Jeanine Longtin	X	
Diane Munroe	X	
Todd Dry	X	

Motion passed 5-0

Approval of Minutes

Ms. Diane Munroe made a motion to approve the minutes of the Planning & Zoning Board, March 5, 2007. Seconded by Vice Chairman Dubois.

	Aye	Nay
Jeff Blakely	X	
James Dubois	X	
Jeanine Longtin	X	
Diane Munroe	X	
Todd Dry	X	

Motion passed 5-0



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	Aye	Nay
Jeff Blakely	X	
James Dubois	X	
Jeanine Longtin	X	
Diane Munroe	X	
Todd Dry	X	

Motion passed 5-0

Approval of Minutes

Ms. Diane Munroe made a motion to approve the minutes of the Planning & Zoning Board, March 5, 2007. Seconded by Vice Chairman Dubois.

	Aye	Nay
Jeff Blakely	X	
James Dubois	X	
Jeanine Longtin	X	
Diane Munroe	X	
Todd Dry	X	

Motion passed 5-0

Public Comment: None

Postponement:

A motion was made by Ms. Munroe to postpone the Site Plan of Bank of America to the next regular scheduled meeting in April. Seconded by Vice Chairman Dubois.

	Aye	Nay
Jeff Blakely	X	
James Dubois	X	
Jeanine Longtin	X	
Diane Munroe	X	
Todd Dry	X	

Motion passed 5-0

New Business

1. A Landscape Plan submitted by Gentile, Holloway, O'Mahoney & Associates, Inc., as agent and applicant for Bev Smith Ford for approval of a revised Landscape Plan for the site located at the southeast corner of Northlake Blvd. and Old Dixie Highway, Lake Park, Fl.

Mr. Sullivan, Community Development Director, identified himself for the record, and stated that he wanted to clarify why the applicant was here at the meeting. The Town Commission did approve the site plan because they wanted to make sure Bev Smith Ford could get open while they were working on these landscape issues. The Resolution says that the Landscape Plan shall be presented to the Planning & Zoning Board for review and recommendation prior to it being heard by the Town Commission for final approval. Mr. Sullivan stated "that an amendment to a Site Plan is proposed or changed to a site where there is no site plan, then the Town shall require the non-conforming landscaping and open space to comply with this chapter" The staff report dated February 27, 2007, which is marked Exhibit "A" is made a part of these minutes.

Mr. Sullivan explained that there is a provision in the code to offer mitigation, and that is one of the things the board will be considering tonight. Mr. Sullivan stated that this will be open for discussion after the applicant presents their presentation; also, the applicant will be requesting waivers because this is to be reviewed under the Northlake Boulevard Overlay Zoning District. The NBOZ does allow for a waiver, but the board should consider the wording of that code also. Mr. Sullivan explained the four (4) options listed in the staff report which is attached to the minutes.

Mr. Sullivan stated that he had sent a letter to the applicant regarding mitigation, and all the different areas were noted where there was a deficiency of landscaping and it needed to be mitigated according to the code. Mr. Sullivan stated that he had not received any substantial evidence to the contrary as to what was needed to resolve this issue. Mr. Sullivan felt that he has not received adequate response to what is required for mitigation, and for that reason staff is recommending denial of the application.

Mr. Blakely asked if they were to act on the waiver, and Mr. Sullivan stated that it would be up to the Town Commission.

Mr. Jamie Gentile, Planner for Gentile Holloway O'Mahoney, identified himself for the record and stated that he had a Powerpoint presentation to present and go over the plan and a little bit of the background. Mr. Gentile stated that the site is located on the southeast corner of Northlake Blvd. and Old Dixie Highway; north of the site is another portion of Bev Smith and to the east is the FEC right-a-way which is right up against the property line.

Mr. Gentile gave a Powerpoint presentation which is marked Exhibit "B" and made a part of the minutes. Mr. Gentile stated that the dealership sustained damage from the hurricane in 2004, and the owner decided to upgrade and enhance the site to repair damage at that time. The Site Plan Modification and Architecture were approved in 2006 with conditions for the landscaping. Mr. Gentile stated that the plan adheres most closely to the code requirements as required by the condition of approval, and in the initial approvals they had talked about doing mitigation for trees that could not be installed. Mr. Gentile showed a list of the proposed waivers, which is marked Exhibit "C" and made a part of these minutes. Mr. Gentile showed different sites on the property which made it difficult to landscape; one in particular being the wall near the FEC right-a-way. Mr. Gentile stated that the new landscape plan proposed 88 new trees throughout the site and 1,800 new shrubs and ground covers and some additional interior green islands.

Mr. Gentile stated that they were going to be requesting waivers pursuant to the NBOZ. Section 44 of the NBOZ says that landscape regulations may be waived in whole or part by the jurisdiction when a property owner has demonstrated the requirements contained in this division will reduce required parking or substantially restrict the operation of the existing businesses or property uses. Mr. Gentile explained that he was trying to show some of the restraints on the slides that he had just shown.

Mr. Gentile went through the seven (7) waivers, which are marked Exhibit "C" and made a part of these minutes. Mr. Gentile stated the staff had asked that a vine be planted along the wall near the FEC railroad, and with the owner's cooperation they would explore that option.

Vice Chairman Dubois asked how many trees the applicant was short. Mr. Gentile responded that based on the buffer, the applicant meets the north, west and interior required landscaping; where the applicants falls short is that they did not provide trees for the south and east as they can not physically do that. Mr. Gentile stated that the south buffer would require 10 trees and the east buffer would require 20 trees. Mr. Gentile stated there is no calculation for the roof trees, but it probably would require 4 trees.

Mr. Sullivan showed the board different pictures along Old Dixie Highway that lacked landscaping and felt that this was unacceptable. He also showed places visible from Northlake Boulevard that lacked any landscaping, including the wall along the FEC Railroad. Mr. Sullivan stated that the survey shows at least a foot of grass on that side of the wall and that vines could be planted. Mr. Sullivan stated that he was very concerned about the south and the east, and that this is the chance we get as our code states when a major

redevelopment is done, we get to look at the landscaping and try and bring it into conformance if necessary.

Ms. Longtin stated that she agreed with staff that more could be done. Ms. Munroe also agreed with staff. Vice Chairman Dubois stated that he was hoping for a definition regarding NBOZ of required parking versus display parking. Vice Chairman Dubois felt that there should be some opportunity to put something along the southern most edge. Mr. Dry said that he agreed with staff that something needed to be done about the landscaping, and felt that more should be added.

Chairman Blakely stated he felt that between staff and the applicant something should be worked out to satisfy everyone. Chairman Blakely said he would make suggestions and hoped that someone would put it in the form of a motion.

Ms. Longtin and Chairman Blakely discussed the FEC wall and what he suggested should be planted. Chairman Blakely suggested that this be taken care of this night as it has to go on to the Town Commission. Chairman Blakely said that the Town Commission should choose what park will receive the money and the design should come from Gentile Holloway O'Mahoney and the improvements undertaken by Mr. Smith.

Vice Chairman Dubois made a motion to approve the site plan with the following conditions:

1. Ficus vine on FEC wall on east side with drip irrigation and a contribution in kind for the required landscaping that is lacking to equal \$17,500.00.
2. The addition of 10 Royal Palms in places to be determined of 8 ft. of graywood height.
3. The Foxtails on Northlake Blvd. be triple headed.
4. South side wall be improved with paint and some type of architectural details and ground cover planting at the base where possible.
5. All Magnolias be D. D. Blanchard variety.
6. Screen the dumpster from sight.

Ms. Munroe seconded the motion for discussion. Discussion was held about the dumpster. Mr. Sullivan stated that the code calls for the dumpster to be enclosed and he is just pointing it out that it is not enclosed.

	Aye	Nay
Jeff Blakely	X	
James Dubois	X	
Jeanine Longtin	X	
Diane Munroe	X	
Todd Dry	X	

Motion 5-0

Comments from Chairman Jeff Blakely

Chairman Blakely stated that he noticed several things that he would like the board to consider. Chairman Blakely informed the Board that the Town Commission acted on the

signage for the PADD district and they were much tougher than the P & Z Board. They approved the change to the signage, and gave a six month extension. Chairman Blakely said that North Palm Beach was successful on removing the pole signs on Northlake Blvd. and he would like Lake Park to accomplish the same thing. Mr. Sullivan stated the time limit is already built into the NBOZ and they have a little less than 7 years to comply. Chairman Blakely said he had a copy of an Ordinance from Palm Beach that dealt with leaf blowers. Mr. Sullivan said that he would put it on his list. Ms. Longtin suggested the hours be changed. Chairman Blakely said that it would be discussed at a future time.

Community Development Director Comments

Mr. Sullivan informed the Board that they were invited to a workshop meeting on Tuesday, March 6, 2007, at the Village of North Palm Beach as the Village received an application for high rise condos to be located at the Village Shoppes which use to be the old Twin City Mall. Mr. Sullivan explained that the Interlocal Agreement was not clear about the joint meetings at the planning and zoning level. Ms. Roselli, Town Attorney, explained to the Board the attorney for North Palm Beach, Mr. Rubin, and our attorney, Tom Baird, both felt it needed to be re-written as it just was not clear.

Adjournment

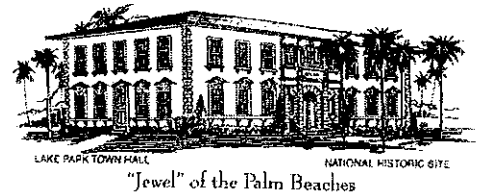
Vice Chairman Dubois made a motion to adjourn. Seconded by Ms. Longtin. Motion passed 5-0. The meeting was adjourned at 8:30 p.m.

Approved: 4/2/07


Chairman Jeff Blakely

Attest: June Otko

**Town of Lake Park
Community Development Department**



Date: 2-26-07

Patrick Sullivan, AICP, Director

To: Planning and Zoning Board

Re: Bev Smith Ford

On February 1, 2006 the Town Commission passed a Resolution approving the site plan for Bev Smith Ford's redevelopment of its car dealership on Northlake Blvd. The site plan was approved without a landscape plan. A condition to the approval of the site plan was that a landscape plan would be provided to the Planning and Zoning Board ("Board") for review and to the Commission for approval.

The following conditions were set forth in Resolution 02-01-06:

- 1) **This Resolution does not include an approval for the landscape plan. The landscape plan shall be presented to the Planning and Zoning Board for review and recommendation prior to it being heard by the Town Commission for final approval. The landscape plan shall have received final approval by the Town Commission, all landscaping and irrigation improvements installed onsite, and/or any monetary compensation due to lack of full landscaping compliance prior to issuance of the Certificate of Occupancy.**

- 2) **The applicant will submit a new Landscape Plan that more closely adheres to the requirements as set forth in the Town of Lake Park's Code of Ordinances and pay the Town for those required plantings they are unable to install onsite as outlined within the Code of Ordinances.**

The Code of Ordinances requires that all projects meet the minimum landscape requirements as detailed in the Code. If the Applicant does not or can not meet the requirements, there are four options. The first is to request a variance. The Applicant previously requested a variance and was denied by this Board. Sufficient time has elapsed since that denial to allow the Applicant to again request a variance if they so choose. The Applicant has not done so.

The second option to request a waiver under the Northlake Boulevard Overlay District ("NBOZ") Regulations. Appendix A, Section 4-4 of the Code states that the landscape regulations may be waived in whole or part by the jurisdiction when a property owner has demonstrated that the requirements contained in this division will reduce required parking, or substantially restrict the operation of the existing business or property's use. If the Applicant formally requests a waiver that determination will be made by the Town Commission.

The third option is to provide for mitigation as set forth in Section 78-253:

(4) Where redevelopment projects are unable to meet the landscape or open space requirements as stated in this section required landscaping may be transferred to other lands (i.e., public lands, parks, road rights-of-way) or an assessment can be levied by the town commission. The assessment shall be based on the share of the landscape budget that cannot be installed on the site. The assessment shall be calculated at a rate equal to two times the total caliper of plants required. Monies collected shall be used for landscaping public lands.

The fourth option would be a combination of options 2 and 3. ~~which is the basis of the Applicant's request.~~ In such case, the Town Commission could grant a partial waiver to reduce the total amount of required landscaping, approve a revised landscaping plan for the on-site landscaping, and require mitigation. If the Town Commission approves a waiver a new inventory would have to be created reflecting the reduction of the original inventory which is the basis ~~financial burden on the Applicant~~ for determining a dollar amount for the mitigation.

Both staff and the Applicant concur that the Applicant is unable in certain areas to fully meet the landscape requirements of the Town Code. Since the Applicant has requested a waiver and has offered mitigation, the Board will be reviewing the Applicant's proposed landscape and mitigation plan and provide a recommendation on each to the Town Commission. Please also note, that the Applicant has proposed or offered mitigation at a "one to one" rate rather than the two times as set forth in the Code. I am unable to find any authority in the Code that allows for the reduction of the mitigation rate other than a variance or waiver request. The wording of the Code does not allow for negotiation as far as the rate of mitigation is concerned.

Staff has reviewed the plans as submitted by the Applicant and has the following comments. Staff has determined that the Applicant is required to provide 119 trees along the perimeter of the property. The Code requires trees to be spaced twenty feet on center along public streets and 40 feet along areas not adjacent to a public street (Sec. 78-253 (h) (2)). Review of plans and the site indicate that there are 6 approved existing trees which include under-sized Guava trees. Therefore, the Applicant must provide 113 trees along the perimeter of the site. The site plan only shows 69 trees, therefore there is a deficit of 44 trees.

In addition to the insufficiency of the required amount of trees, the following Code requirements apply and have not been satisfied by the Applicant's proposed landscape plan:

- Sec 78-253 (h) (1) requires an 8 foot landscaped buffer along the south and east property line which is not provided.
- Sec 78-253 (h) (3) requires that no more than 50% of the required trees may be palm trees. The site plan shows that the proposed palm tree plantings are in excess of this requirement.

- Sec 78-253 (h) (4) requires that the trash collection sites be screened from view. The site plan does not provide for this.
- Sec 78-253 (h) (5) requires that foundation plantings be placed along all building structures. This has not been provided for.
- Sec 78-253 (h) (7) requires that backflow preventer systems be screened from view. This has not been provided for.
- Sec 78-253 (h) (8) requires plantings around ground signs. This has not been provided for.
- Sec 78-253 (h) (14) requires that perimeter walls have landscaping that covers 50% of the barrier. The site plan does not provide for this along the FEC perimeter wall.
- Sec 78-253 (c) (5) requires that multi level parking garages have planter sufficient to allow trees to live on the top level. This is not provided for.

The Applicant has submitted a mitigation proposal based on a deficiency of 28 trees at a "one to one" rate for a total of \$7,000 in mitigation. Staff finds the mitigation inventory submitted by the Applicant to be deficient in numbers and content. Since the Applicant has not provided a detailed inventory of the plantings to be mitigated, Staff will provide the following guidance based on its findings of deficiency.

Plantings to be mitigated:

44 trees	@ \$250 per tree	\$11,000
3 Ground Sign Plantings	@ \$500 per sign	\$ 1,500
1100 feet of perimeter hedge	@ \$2 per ln ft	\$ 2,200
4 trees on Parking Garage	@ \$250 per tree	\$ 1,000
Misc. foundation plantings		\$ 2,000
Other screening requirements		<u>\$ 2,000</u>
	Totals	<u>\$19,700</u>
	Total @ 2x cost	\$39,400

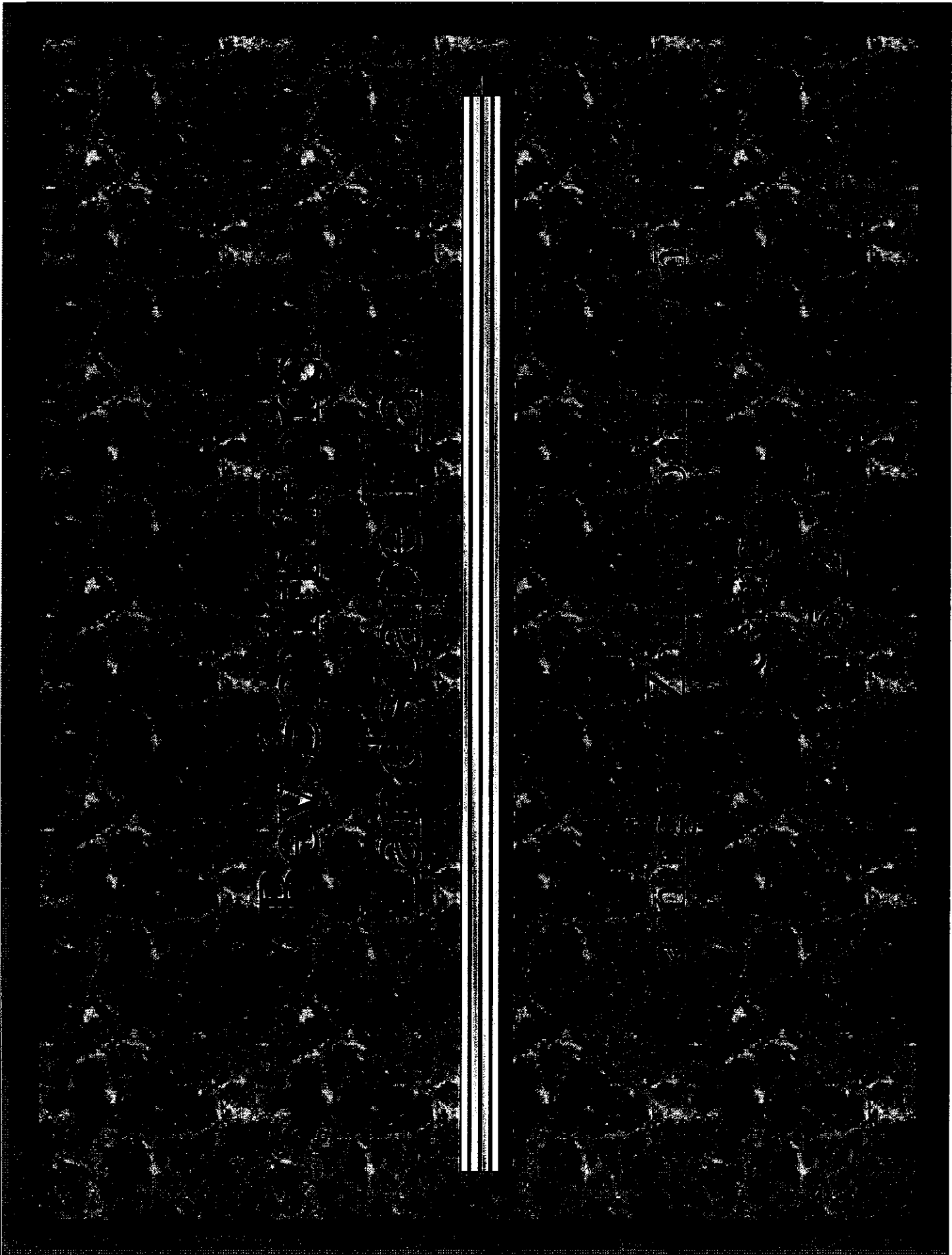
The foregoing is only an estimate to provide the Board and Commission with some guidance in decision making. The Applicant bears the burden of proving the type and quantity of plants that he cannot plant. To date, the Applicant has not provided any such inventory to rebut Town staff's calculations as set forth above. Therefore, unless and until the Applicant provides such an inventory, the only record evidence pertaining to the required mitigation is that introduced by Town staff, and the amount of the mitigation required under the Code and based upon the landscape plan submitted for review and approval totals \$39,400.

The Community Development Department recommends **DENIAL** of the proposed landscape and mitigation plan.

Attached to this report are the following exhibits:

1. Applicant's request for mitigation.
2. Pictures of the east and south side of the property where there is no landscaping proposed.
3. The Resolution that approved the site plan with conditions.
4. Landscape site plan proposed by Applicant.
5. Staff's Memorandum to the Applicant with mitigation calculations and costs.

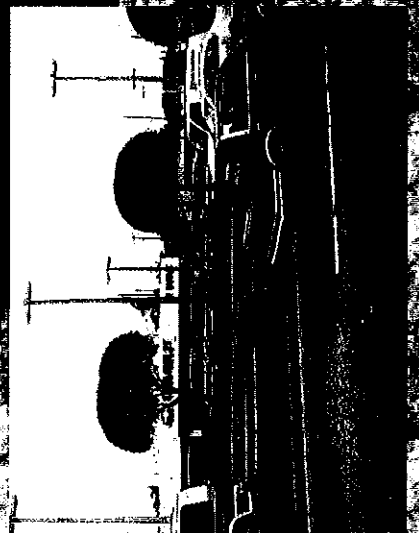
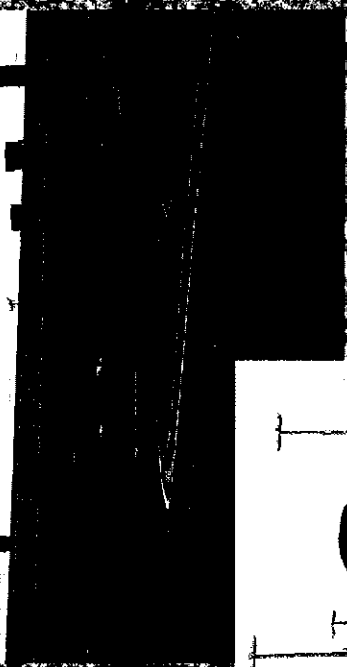
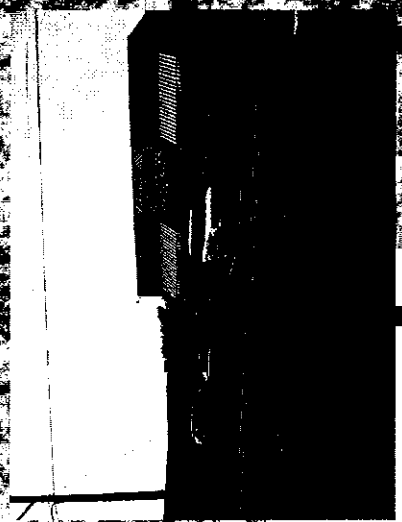
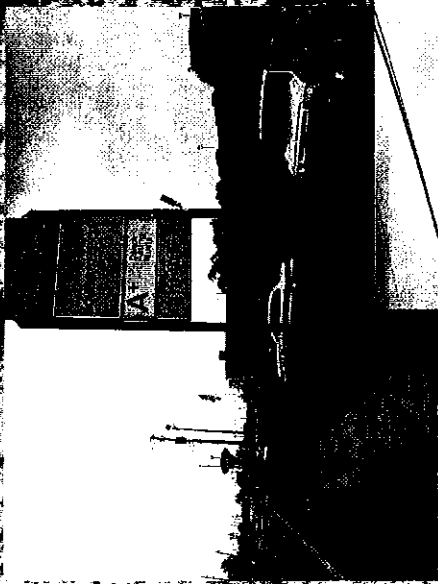
Exhibit "B"



Site Location/Surrounding Properties



Surrounding Properties



Project Background

- 1977 Bev Smith Ford opens its doors – 30 Years.
- 2004 Hurricane Frances and Jeanne & Owners decide to repair damage and upgrade site.
- 2006 Town Approves Architectural and site plan modifications with condition for Landscape Plan modification.
- 2006 Bev Smith Ford submits Landscape Plan per conditions of approval.

Resolution 02-01-06

- Condition of Approval

“the applicant will submit a new Landscape Plan that more closely adheres to the requirements as set forth in the Town’s Code of Ordinances and pay the Town for those required plantings they are unable to install on site...”

Resubmitted Landscape Plan

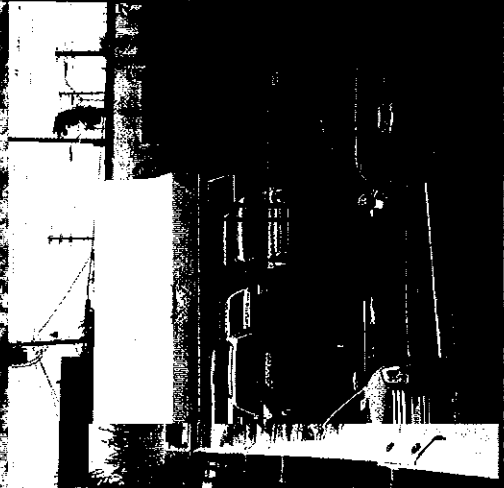
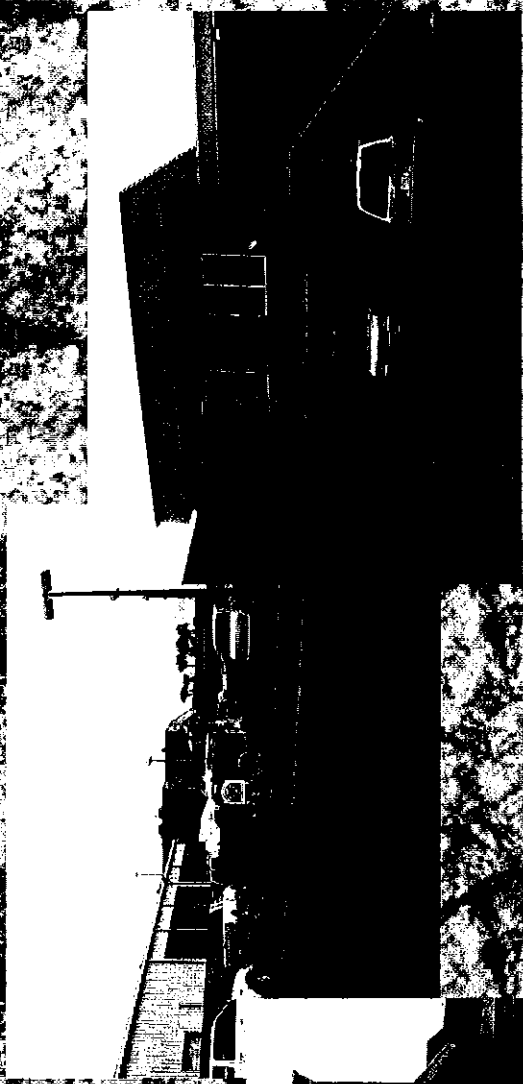
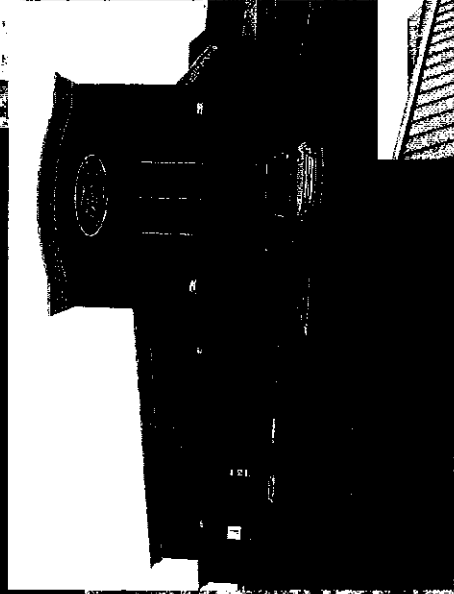
- Provides more green and more plants
- More closely adheres to code requirements
- Provides mitigation for what can't be installed on site due to constraints.

EXISTING SITE CONSTRAINTS



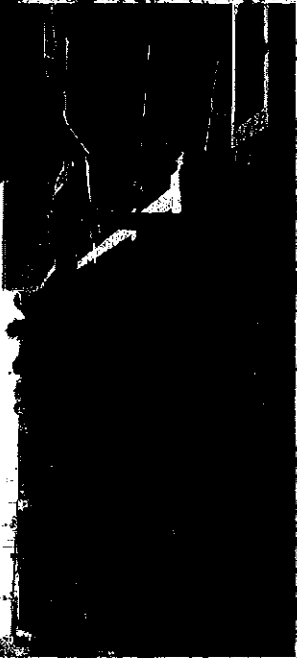
- Interior Site
- Design/Operation
- North Buffer
- East Buffer
- South Buffer
- West Buffer

Existing Structures and Service Areas



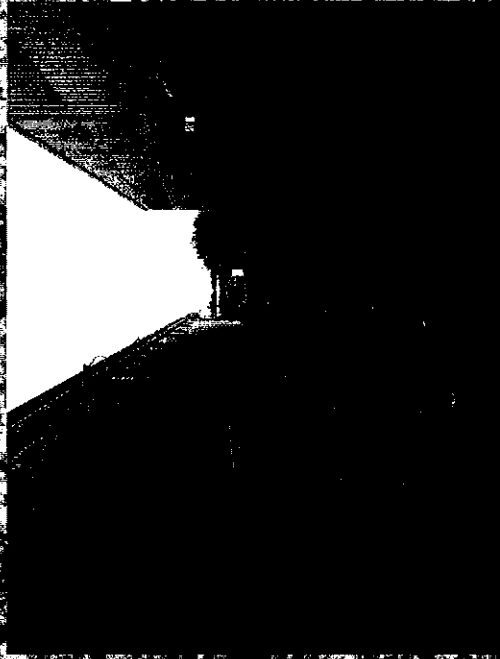
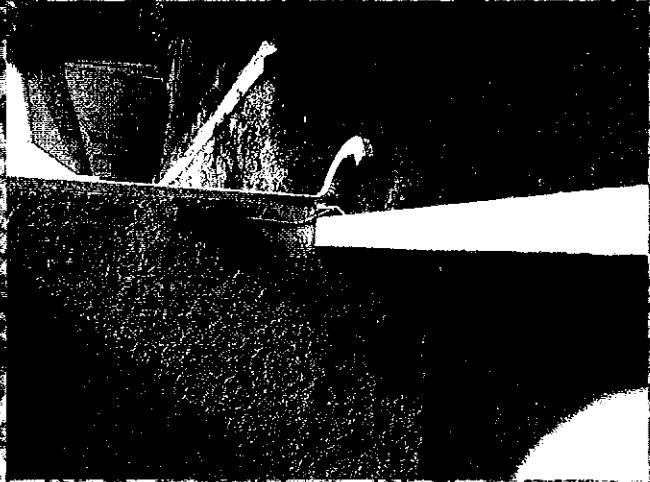
FEC Right-of-Way/Eastern Buffer Existing Conditions

- Existing Wall on Property Line
- Site Circulation and Service Area, Vehicle Storage adjacent to wall



Southern Buffer Existing CONDUCTIONS

- Buffer width 4 feet
- Adjacent collision zone below grade
- Buffer area used for drainage
- Buffer area contains utilities (electric and gas)



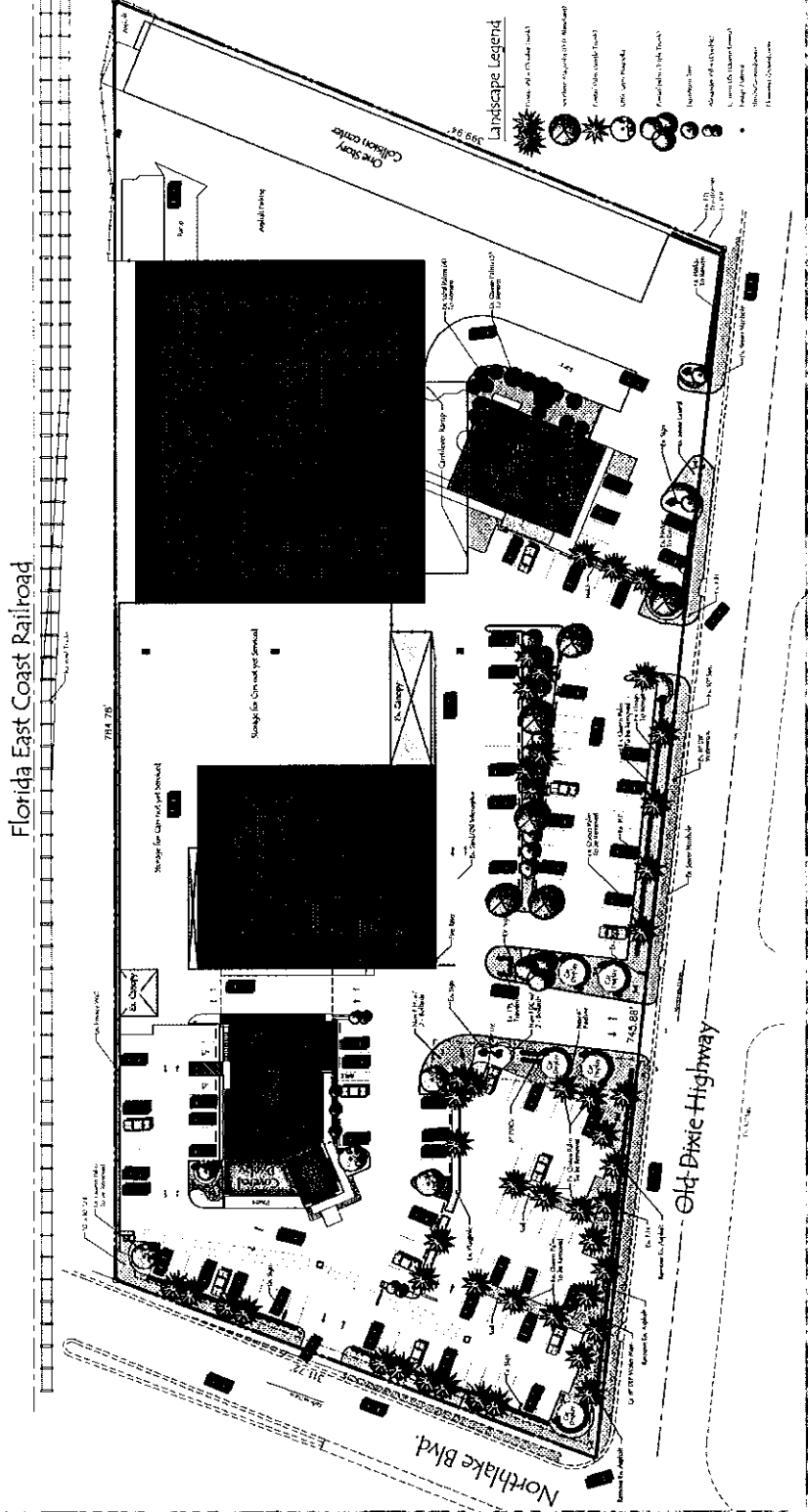
Original Existing Landscape

- Continuous 3 foot ledge along north and west buffer
- 6 Queen Palm within the Interior Parking Areas
- 9 trees adjacent to Garage Ramp



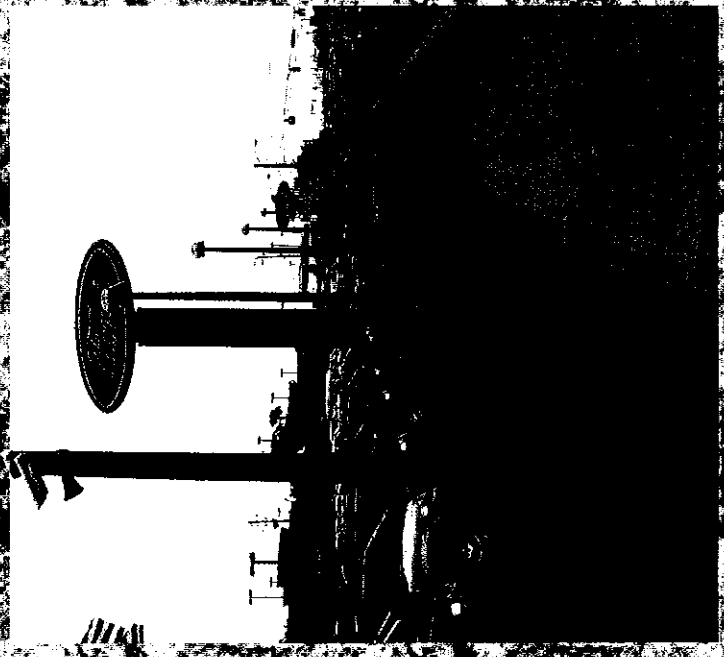
Bev Smith Ford Proposes Landscape Plan Design

- Proposing 88 new trees throughout the site
- Proposing over 1,057 new shrubs and ground covers
- More narrow green islands



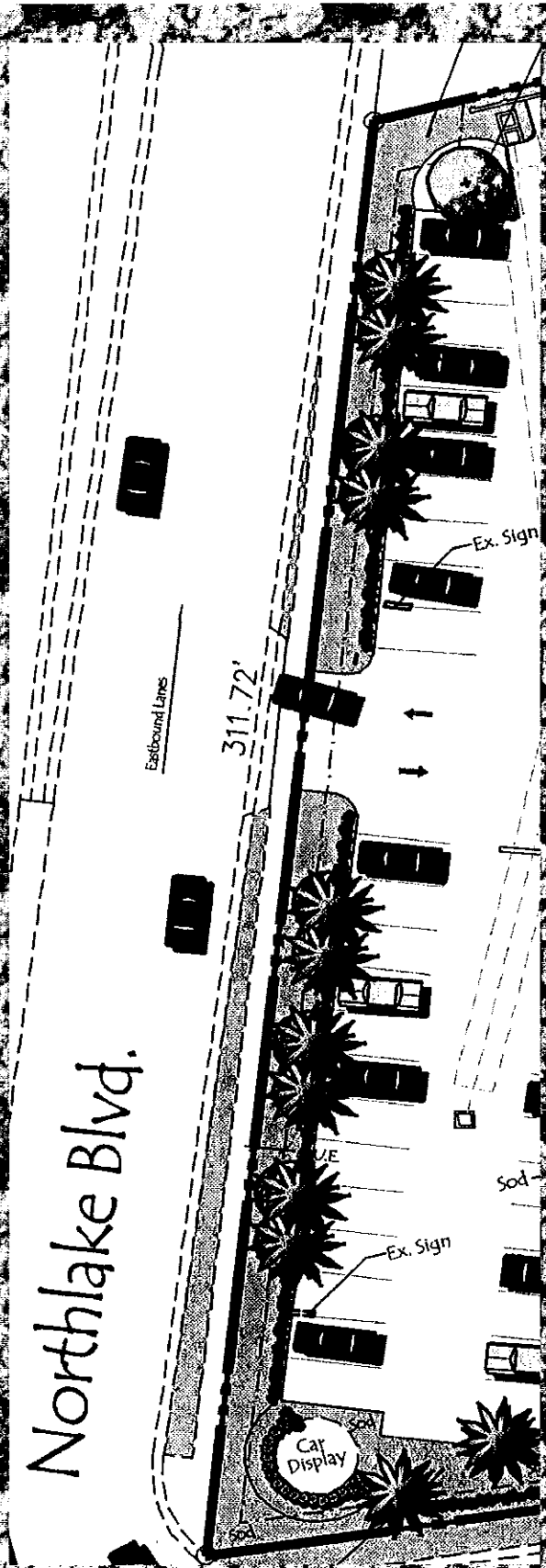
Northern Buffer Existing

- Existing 3 foot hedge
- Existing Buffer width 12 feet
- 6 feet of Buffer is a Seacoast Pavement
- Seacoast prohibits trees within 7 feet of utilities
- Palms with root barriers and Ground Covers are permitted and proposed.



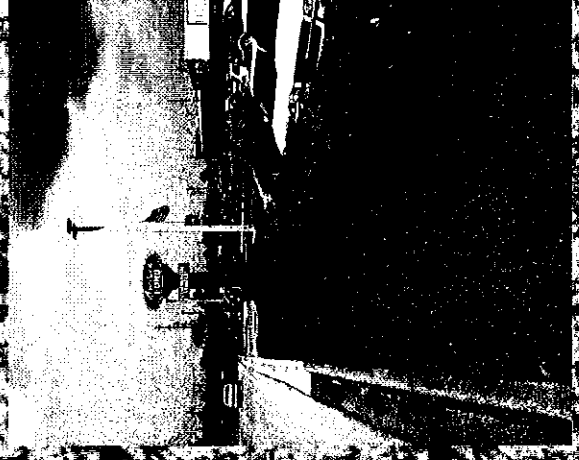
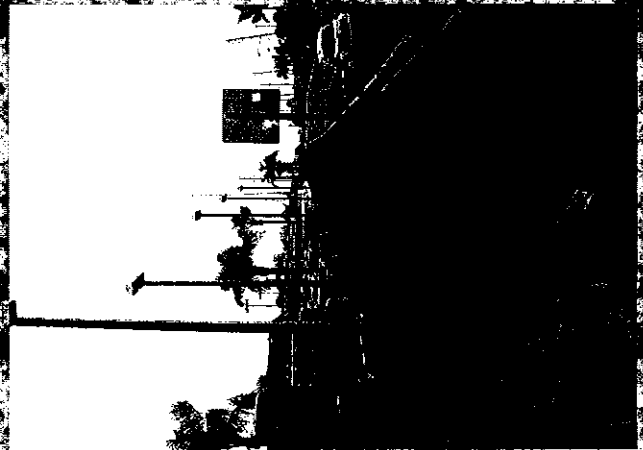
Northern Buffer Proposed

- Proposing 5-core fox-tail palms
- Proposing ground covers around the palms
- NBO Signature Magnolia tree with additional ground covers



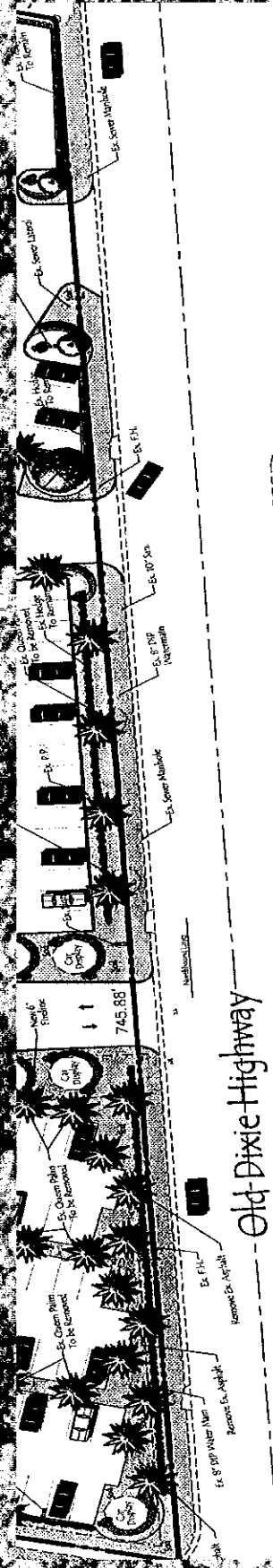
Western Buffer Existing

- Existing 3-foot hedge
- Existing Buffer zones from 6 feet to 8 feet
- 6 feet of Buffer is a Seacoast Easement
- Seacoast prohibits trees within 7 feet of utilities
- Palms with pot barriers and Ground Covers are permitted and proposed

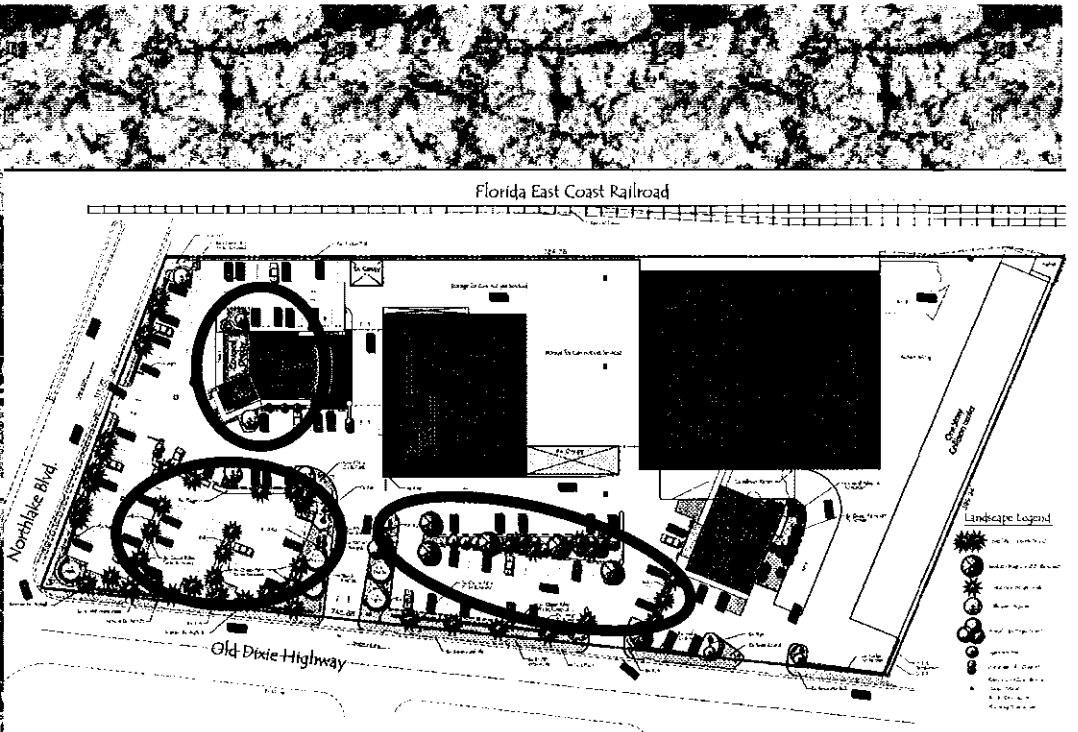


Western Butler Proposed

- 15 Fox-Tail Palms
- 2 Ligustrum Trees
- NBG Signature Magnolia Tree
- Additional shrub and ground covers



Interior Display and Parking Areas Proposed



Proposed Landscape Plan

- Request Waiver Consideration, pursuant to NBOZ
- Section 4-4 "Landscape regulations may be waived in whole or part by the jurisdiction when a property owner has demonstrated that the requirements contained in this division will reduce or impair parking or substantially restrict the operation of the existing business or property use.

Proposed Waiver

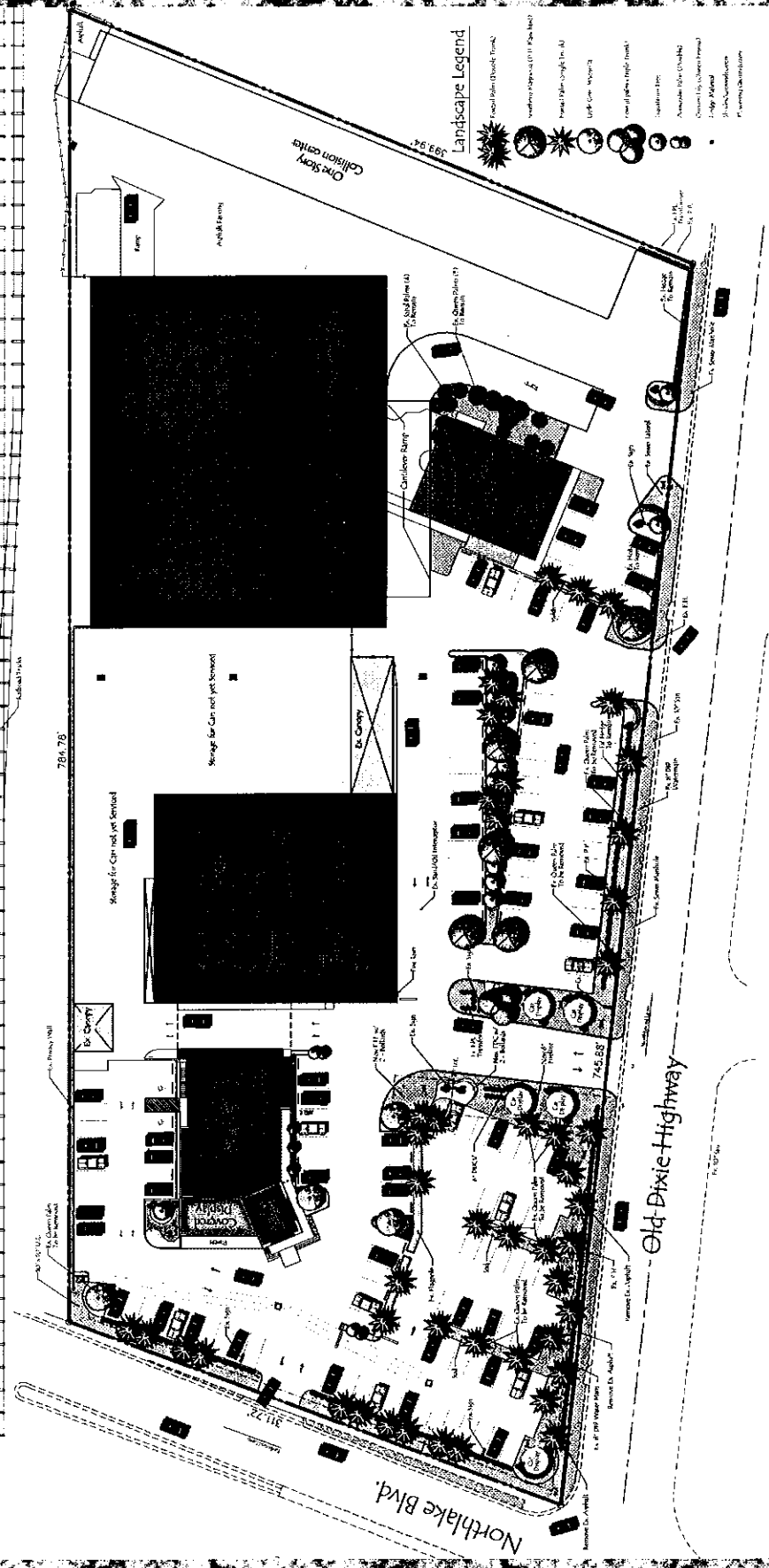
Item	Code Description	Proposed	Compliance	Waiver Requested
1. <i>Bea Smith, Ford Requested Waivers</i>				
2. Use GIMBOZ Alternative	Code Description			
1. Tree Spacing	Tree Spacing	30 feet along R/W	No - Providing additional trees interior to the site	Yes
2. Buffering Buffers	Buffering Buffers	10 feet buffer	No - Providing more landscaping throughout the site	Yes
3. Required Trees	Required Trees	Normal proposed trees can be planted	No - Palm preferred subject to utility easement proposed for wires and internal in front trees	Yes
4. Vegetation Plan	Vegetation Plan	Where feasible, use N applicable site plan	No - Providing more shrubs throughout the site	Yes
5. Planting and Maintenance	Planting and Maintenance	None - Existing plants are located within driveway display parking area	No - Base design obscured by mature vegetation which includes additional ground cover	Yes
6. Non-Living Landscaping Materials	Non-Living Landscaping Materials	None - Existing landscape is property adjacent to FES RW	No - Existing landscape will explore having a wire along the front with FEC Authority permission	Yes
7. Parking Areas	Parking Areas	None - Existing signage was not designed with any planters	No - Providing more interior green/stalds	Yes

Bey Smith Landscape Plan

- Proposing 88 new trees throughout the site with trees added to the perimeter where there were none previously.
- Proposing over 1,857 new shrubs and ground covers.
- More trees and interior green islands.

Boy Smith Ford Landscape Plan

Florida East Coast Railroad



Landscape Legend

- 1. Florida East Coast Railroad
- 2. Florida East Coast Railroad
- 3. Florida East Coast Railroad
- 4. Florida East Coast Railroad
- 5. Florida East Coast Railroad
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