

TAB 4

**Town of Lake Park Town Commission
Agenda Request Form**

Meeting Date: 11/05/2003

Agenda Item No. **6**

- | | |
|---|---|
| <input checked="" type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> RESOLUTION |
| <input checked="" type="checkbox"/> Ordinance on Second Reading | |
| <input checked="" type="checkbox"/> Public Hearing | <input type="checkbox"/> DISCUSSION |
| <input type="checkbox"/> ORDINANCE ON FIRST READING | <input type="checkbox"/> BID/RFP AWARD |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM | <input type="checkbox"/> CONSENT AGENDA |
| <input type="checkbox"/> Other: | |

SUBJECT: Northlake Square West

A request by Urban Design Studio, agent for Congress Plaza West, Joint Venture Partnership, for a rezoning from Research and Light Industrial Park to Planned Unit Development (PUD) Overlay with an underlying zoning of General Commercial (CG-1) in the City of Palm Beach Gardens, and rezoning from Traditional Neighborhood District (TND) to Commercial-1 (C-1) in the Town of Lake Park, to allow for the development of a 41,000 square-foot fitness center, a 12,389 square-foot pharmacy with a two-lane drive-through, and a 12,000 square-foot restaurant/retail building including an outdoor seating area on an 8.80-acre site. The site is located at the southwest corner of the intersection of Northlake Boulevard and Congress Avenue within the municipal boundaries of the City of Palm Beach Gardens and the Town of Lake Park.

RECOMMENDED MOTION/ACTION: Recommend the Town Commission approve an Ordinance to Rezone the property from Traditional Neighborhood Development (TND) to Commercial Business District 1 (C-1) and deny the associated development plan as it is inconsistent with the Northlake Boulevard Overlay Zone Design Guidelines.

Approved by Town Manager *[Signature]* Date: 10/29/03

Originating Department: Community Development <i>[Signature]</i> Jamie A. Gentile	Costs: \$ _____ Funding Source: _____ Acct. # _____	
Department Review: <input checked="" type="checkbox"/> City Attorney <i>[Signature]</i> <input type="checkbox"/> Community Affairs _____ <input checked="" type="checkbox"/> Community Development _____	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Department _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager <i>[Signature]</i>
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required for First Reading	Finance Director Approval: _____	Attachments: Staff Report Site Plan was distributed 10/16/03

Summary: The applicant is seeking approval of an Ordinance to rezone the property from Traditional Neighborhood Development (TND) to Commercial-1 (C-1) on a portion of 8.80 acres, generally located at the southwest corner of Northlake Boulevard and Congress Avenue. The applicant desires to construct a two-story fitness center totaling 41,000 square feet, a 12,389 square-foot pharmacy with a two-lane drive-through facility, and a 12,000 square-foot multi-tenant restaurant/retail building with a 828 square foot outdoor seating area consistent with the C-1 zoning district designation.

As this site is located within the Northlake Boulevard Overlay Zone, Staff conducted a review of the proposed site development plan and found it to be inconsistent with the standards established by the NBOZ Design Guidelines. Staff is recommending approval of the rezoning but recommends denial of the proposed development plan, as it is inconsistent with the standards established by the Northlake Boulevard Overlay Zone. A resolution for the site plan will be presented to the Town Commission at the second reading of the Ordinance, should the Commission choose to adopt the development plan as presented by the applicant.

**TOWN OF
LAKE PARK**

STAFF MEMO



"Jewel" of the Palm Beaches

**TOWN of LAKE PARK
TOWN COMMISSION**
Meeting Date: October 16, 2003
Date Prepared: October 7, 2003

SUBJECT/AGENDA ITEM

Northlake Square West

A request by Urban Design Studio, agent for Congress Plaza West, Joint Venture Partnership, for a rezoning from Research and Light Industrial Park to Planned Unit Development (PUD) Overlay with an underlying zoning of General Commercial (CG-1) in the City of Palm Beach Gardens, and rezoning from Traditional Neighborhood District (TND) to Commercial -1 (C-1) in the Town of Lake Park, to allow for the development of a 41,000 square-foot fitness center, a 12,389 square-foot pharmacy with a two-lane drive-through, and a 12,000 square-foot restaurant/retail building including an 828 square foot outdoor seating area on an 8.80-acre site. The site is located at the southwest corner of the intersection of Northlake Boulevard and Congress Avenue within the municipal boundaries of the City of Palm Beach Gardens and the Town of Lake Park.

PUBLIC COMMENT SUMMARY:

Attached to this report is one letter that was received in support of this project.

BACKGROUND:

The 8.80-acre subject site is located within two municipal boundaries. Approximately five acres, or 57% of the site is within the City of Palm Beach Gardens, and approximately 3.71 acres, or 43% of the site, is within the Town of Lake Park.

In August 2002, the City and the Town signed an inter-local joint development agreement to provide for a coordinated development review process and centralized permitting and code enforcement to develop the subject property in accordance with the land development regulations of both municipalities. As such, each municipality has reviewed this application under their respective land development regulations, as well as the Northlake Boulevard Overlay Zoning District (NBOZ). Each jurisdiction, however, shall take separate action regarding the development at jointly held meetings. Should a conflict arise between regulations of the two jurisdictions, the regulations of the NBOZ will apply. Both the Planning and Zoning Commissions of the Town and the City will jointly review the project, and both governing bodies will also jointly review and hold public hearings, but take final actions separately. The City of Palm Beach Gardens is responsible for leading the processing of the development application of the subject site in accordance with the inter-local agreement.

LAND USE AND ZONING:

The portion of the within the Town of Lake Park is currently zoned Traditional Neighborhood District (TND), with a future land-use designation of Mixed Use Commercial/Light Industrial. The applicant has requested to rezone the parcel to Commercial-1 (C-1). The property is also located within Northlake Boulevard Overlay Zone, and subject to the site design regulations established by the Northlake Boulevard Overlay Zoning District Design Guidelines.

The current zoning under the City of Palm Beach Gardens is Research and Light Industrial Park (MI), and has a future land-use designation of Commercial (C). The applicant is proposing to rezone the site to Planned Unit Development (PUD) Overlay with an underlying zoning of General Commercial (CG-1).

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

The proposed development is consistent with the overall intent of the goals, objectives and policies of the Town's Comprehensive Plan. The following policies indicate the consistency between the Comprehensive Plan and the proposed project:

FUTURE LAND USE ELEMENT

Policy 1.8: New development shall be permitted only when central water and wastewater systems are available or will be provided concurrent with the impacts of development.

The roadway, water and wastewater infrastructure currently exists in the area to service the project.

Policy 3.1: The development of residential, commercial and mixed commercial/industrial lands shall be timed and staged in conjunction with provisions of supporting community facilities, such as streets, utilities, police and fire protection service....

Subsequent to the installation and construction of adequate infrastructure along Congress Avenue, the applicant's request is considered a suitable development at this location.

VARIANCES:

The applicant did request one Variance from the Town's Land Development Code that requires a 10-foot wide parking stall width. The request was presented to the Board of Adjustment at a Special Call Meeting on August 18th 2003. The Board of Adjustment approved the request in a 4-0 vote.

CONSISTENCY WITH THE NORTHLAKE BLVD. OVERLAY ZONING DISTRICT

"The purpose and intent of the Northlake Boulevard Design Guidelines is to implement the objectives of the NBOZ Conceptual Streetscape Plan adopted by the Northlake Boulevard Task Force." The applicant's request has undergone an extensive review based upon the design guideline provisions, which supersede the Town's existing Land Development Code, as they are more restrictive. Although the applicant's site development plan does incorporate many of the standards established by the Design Guidelines, the architectural renderings are not consistent with the intent of Architectural

Element found within the NBOZ Design Guidelines. Sec. 3-1 General Provisions requires that all new buildings or structures constructed within the NBOZ conform to one hundred percent of the Overlay Design Guidelines. The NBOZ requires 4-sided architecture as referenced in Sec. 3-2.5. Although the proposed architecture is unique, the buildings lack architectural continuity and detailing along all faces of the buildings.

CONCURRENCY:

The applicant has received traffic concurrency from Palm Beach County and the City; the build-out date for the project is December 31, 2004. The applicant has reserved water and sewer capacity and waste management service for the site.

PROJECT DETAILS:

Building Site

The 8.80-acre subject site is located within two (2) separate municipal boundaries. Approximately five acres, or 57% of the site is within the City of Palm Beach Gardens, and approximately 3.71 acres, or 43% of the site, is within the Town of Lake Park.

In August 2002, the City and the Town signed an inter-local joint development agreement to provide for a coordinated development review process, and centralized permitting and code enforcement, to develop the property in accordance with the land development regulations of both municipalities. As such, each municipality will review the application under its respective land development regulations as well as the Northlake Boulevard Overlay Zoning District (NBOZ). Each jurisdiction, however, shall take separate action regarding the development at jointly held meetings. Should a conflict arise between regulations of the two jurisdictions, the regulations of the NBOZ will apply. Both the Planning and Zoning bodies of the Town and the City will jointly review the project, and both governing bodies will also jointly review and hold public hearings, but take final actions separately. The City of Palm Beach Gardens is responsible for leading the process of all development applications of this site in accordance with the Inter-local Agreement.

The developer wishes to construct a two-story fitness center totaling 41,000 square feet, a one-story 12,389 square-foot pharmacy with a two-lane drive-through facility, and a one-story 12,000 square-foot multi-tenant restaurant/retail building with an 828 square foot outdoor seating area. LA Fitness, the proposed tenant for the fitness center, is the principal structure on the site. The 48 foot high building will be located at the southwest corner of the site. CVS pharmacy, the proposed tenant for the pharmacy building, is located on the northeasterly side of the site. The applicant is proposing a two-lane drive-through facility on the western side of the pharmacy building, and a loading area on the south side. The multi-tenant restaurant/retail building is located west of the 24' main access driveway connecting to Northlake Boulevard. The applicant is proposing an outdoor seating area on the northern side of the restaurant/retail building, parallel to the access driveway.

The site is within the "Central District" of the Northlake Boulevard Overlay Zoning District. The portion of the site that is within the Town of Lake Park is currently zoned Traditional Neighborhood District (TND) and has a Mixed-Use Commercial/Light Industrial (MC/LI) Land Use Designation. The applicant is proposing to rezone the parcel

to Commercial-1 (C-1), which is consistent with the MC/LI designation. The remainder of the subject site is within the municipal boundaries of the City of Palm Beach Gardens and is currently zoned Research and Light Industrial Park (MI). The City's future land-use designation for this site is Commercial (C), and the property is also designated Commercial (C) on the City's Vision Plan. The applicant is proposing to rezone the site to Planned Unit Development (PUD) with an underlying zoning classification of General Commercial (CG-1).

Site Access

A two-way driveway provides vehicular access to the site from Northlake Boulevard, and a two-way driveway from Congress Avenue. A right-turn lane will be provided before each access point for both Northlake Boulevard and Congress Avenue. A cross-access driveway is also provided from the adjacent property to the south of the subject site. A curb cut aligned with the driveway is proposed along Congress Avenue, to provide access into both Lowe's and the subject property from vehicular traffic driving north on Congress Avenue.

Signage

Signage standards found within the Town's Land Development Regulations are fairly liberal. As the NBOZ requirements are more restrictive, Staff is required by the Joint-Development Agreement to review the proposed signage using the more restrictive of the two codes. The applicant is requesting two monument signs located along Northlake Boulevard and Congress Avenue. The NBOZ requires the following for ground/monument signs:

Table 5-6
Permitted Business Signs

Sign Type	Max. Number	Max. # of Sign Faces	Max. Area (sign face)	Max. Height/Dimensions	Other Limits
Ground/Monument (Overall)	Parcels with > 300 l.f. of street frontage:	2 per sign	40 s.f.	10 ft. height	20 ft. min. from public right-of-way
	1 additional sign per each additional 700 l.f. of street frontage		45 s.f.	10 ft. height	30 ft. min. from public right-of-way
			60 s.f.	10 ft. ht./15 ft. width	50 ft. min. from r.o.w. and interior property lines
					Sign copy not to exceed building identification and 1 tenant
					Requires 3 ft. min. solid sign base without copy
					200' between signs within the same parcel of land.
					50' from sign to non-r.o.w. property line
					8' min. from utility lines

					min. 4 ft. from edge of pavement or curb when placed in an ingress/egress median
Wall Mounted (overall)					shall not cover or partially cover a required wall opening
					Shall not project more than 18 inches from the building
					Mounted flush with wall
					First floor location only
					3' min. between wall signs
					Wall signs shall not exist with projecting signs

Generally, the proposed signage is consistent with the standards established by the NBOZ Design Guidelines. The applicant is requesting a waiver from Article V, Table 5-6 of the NBOZ to allow for a monument sign to be placed closer than 50' from a non right-of-way property line; and a waiver from to allow for more than one message to be located on each monument sign. Staff recommends denial of these waivers, as relief from the sign standards of the NBOZ will set a precedence and perpetuate non-conforming signage along the corridor.

Landscaping/Buffering

The applicant is providing 16,482 landscaping points when 10,913 points are required by the NBOZ regulations. The applicant is also providing a 15' landscape buffer along Northlake Boulevard and Congress Avenue. Foundation landscaping is proposed around all buildings.

If approved, the applicant shall be responsible for the installation, construction and maintenance of landscaping, irrigation, roadway shoulders and medians on Congress Avenue within six months of the development order approval. The applicant has provided a meandering sidewalk and road shoulder landscape plan for Northlake Boulevard. The applicant, however, has specified Silver Buttonwood trees for the road shoulder of Northlake Boulevard as conveyed in the approved Streetscape Plan designed by Michael Redd.

The applicant is required to provide a minimum of 0.88 acres of usable open space onsite. However, 61%, or approximately 0.97 acres, of the proposed open space is the dry detention area in the southwest corner of the site, located behind the LA Fitness building. Consequently, very little open space has been provided as usable and visible open space within the project.

Phasing

According to the applicant, the proposed project will be built in one phase.

Drainage

The surface water management system will be under the jurisdiction of the South Florida Water Management District (SFWMD). An on-site dry retention area will be provided for surface storage and water quality enhancement. The on-site drainage system will consist of a series of catch basins and storm water pipes discharging into the dry detention area, providing enhanced water quality and storm water reduction. An outflow pipe from the detention area connects to the C-17 Canal and allows additional storm water discharge.

Parking

With approval of the requested parking stall variance, the applicant meets all the minimum parking requirements.

Waivers

Staff does not support the requested signage waivers and considers the waivers inconsistent with the intent and spirit of the NBOZ, which intentionally established a restrictive sign code to address signage clutter along Northlake Boulevard and to enhance and protect the physical appearance of the corridor. The proliferation of discordant signage was considered throughout the drafting of the NBOZ regulations, and as such, waivers from this particular code requirement should be considered and granted cautiously on a case-by-case basis. The proposed building locations and wall mounted identification signage heights will provide adequate signage visibility from Northlake Blvd. and Congress Ave. Furthermore, the permitted monument sign will provide suitable additional signage along Northlake Boulevard.

PLANNING AND ZONING RECOMMENDATION

On June 24, 2003, the Planning & Zoning Commission held a Joint Planning and Zoning Public Hearing for this petition. Both Commissions recommended approval to the City Council, with a vote of 4 in favor and 1 against for the Town of Lake Park, and a vote of 5 in favor and 0 opposed for the City of Palm Beach Gardens.

RECOMMENDATION:

Generally, staff is supportive of the proposed site and development plan and believes the applicant has made a good faith effort to satisfy many of the NBOZ Design Guidelines.

The respective municipal staffs from Lake Park and Palm Beach Gardens disagree on this point. It should also be noted however, that the City of Palm Beach Gardens has a more restrictive Land Development Code than the NBOZ Design Guidelines, and the City does require superior architectural and site design on development projects within its jurisdiction. The applicant throughout this process has been made aware of Palm Beach Garden's stringent requirements. The applicant has not produced a project (architecture, site design, amenities) satisfying Palm Beach Garden's standards.

Lake Park staff has also found the proposed project plans to be inconsistent with the NBOZ Design Guidelines with respect architecture and signage. Throughout the review process, staff requested that the applicant provide architecture with continuity on all building facades/faces, as well as permanence amongst the proposed structures. Staff disagrees with the applicant that the proposed architecture meets the intent of the design guidelines. Approval of the requested sign waivers is in conflict with the intent of the NBOZ. Permitting the requested sign waivers would re-enforce and perpetuate the proliferation of non-conforming signage along the corridor. Therefore, Staff recommends **denial** of the requested waiver requests and recommends the applicant amend, adjust or modify the architecture and proposed signage to conform to the NBOZ Design Guidelines. Staff does support the rezoning request and recommends **approval** of the requested rezoning from TND to C-1.

LOWE'S

COMPANIES, INC.

One of the "100 Best Companies to Work for in America"

REAL ESTATE SITE DEVELOPMENT

F. Christopher Thalmann
Senior Site Development Manager

July 14, 2003

Ms. Dodi Glas
Urban Design Studio
2000 Palm Beach Lakes Boulevard, Suite 600
West Palm Beach, Florida 33409

RE: PROPOSED NORTHLAKE SQUARE WEST

Dear Ms. Glas:

It is my understanding that your client, Congress Plaza West Joint Ventures, has a development application in front of the Joint Lake Park/Palm Beach Gardens Planning and Zoning Commission tonight at 7pm. While I cannot be there in person tonight to speak in support of this application, I would like you and the members of the Joint Planning and Zoning Commission to know that Lowe's fully supports your client's application as proposed.

As you know, the site in question is located directly north of the Lowe's store now under construction. It is my understanding that Congress Plaza West's site has been in the planning and zoning process for this site for more than one year. Lowe's has been monitoring the progress of your application during this time and it is apparent to me that Congress Plaza West has come a VERY long way during the last year.

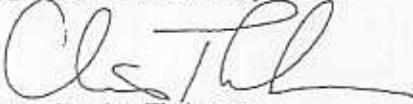
Your proposed plans indicate to me that a level of detail unlike any other nearby project has been infused into this project. The proposed design has the potential to transform what was once a dilapidated corner on a very busy street into a vibrant cornerstone for quality new retail development along the Northlake Boulevard corridor. The building design, landscape treatments and pavement treatments exceed those of any other facility along Northlake Boulevard. The exterior treatment of the buildings is very attractive, and the placement of the buildings on site will allow for convenient pedestrian AND vehicular access to and from the main access points in the center.

As a retailer, this last point is especially important to Lowe's. Competition for retail dollars is at an all-time high. Consumers are much choosier about price-points in today's economy. But with the slow growth economy of the last two years, with competitors across virtually all retail lines reducing their overhead costs to keep prices to customers low, it is increasingly location and accessibility that are differentiating one retailer from another.

Just as Lowe's has done so, I'm confident that your client has done their homework to ensure that they're offering the right retail "product" in the right location. The site plan as proposed promises to deliver a knockout of a retail center. And with access off of both Northlake Boulevard and Congress Avenue, plus connection points between Northlake Square West and Lowe's, the center looks to have the right mix of pedestrian and vehicular access ways.

To the members of the Joint Planning and Zoning Commission, Lowe's lends its full support to the application before you, asks that you affirm the tremendous strides that Congress Plaza West has made during the last year, and approve their application tonight.

Sincerely
LOWE'S COMPANIES, INC.



F. Christopher Thalmann

901 SW Martin Downs Boulevard, Palm City, Florida 34990 • Phone (772) 463-1433 • Fax (772) 463-1435