



**TOWN OF LAKE PARK
PLANNING & ZONING BOARD
MEETING MINUTES
FEBRUARY 4, 2013**

CALL TO ORDER

The Planning & Zoning Board Meeting was called to order by Chair Judith Thomas at 7:43 p.m.

ROLL CALL

Chair Judith Thomas	Present
Vice-Chair Natalie Schneider	Excused
Anthony Bontrager	Excused
James Lloyd	Present
Kimberly Glas-Castro	Present

Also present were Thomas J. Baird, Town Attorney; Nadia DiTommaso, Community Development Director; Debbie Abraham, Planner; and Kimberly Rowley, Board Secretary.

APPROVAL OF MINUTES

Chair Thomas requested a motion for the approval of the Minutes of the January 7, 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 Glas-Castro. The vote was as follows:

	Aye	Nay
Judith Thomas	X	
James Lloyd	X	
Kimberly Glas-Castro	X	

The Motion carried 3-0 and the Minutes of the January 7, 2013, Planning & Zoning Board Meeting were unanimously approved as submitted.

ORDER OF BUSINESS

Chair Thomas outlined the procedure for the Order of Business and Public Comments.

PUBLIC COMMENTS

There were no comments from the public.

NEW BUSINESS

The Town Attorney stated that because this is a quasi-judicial item wherein the Board has the final authority over the Variances, Board Members will need to declare on the record any ex-parte communication with the Applicant or any member of the public, as well as the nature of the conversation. There being no declaration of ex-parte communications, the Town Attorney proceeded to swear in any potential witnesses.

A. AN APPLICATION BY LAND DESIGN SOUTH, AS AGENT FOR METROPOLITAN PROPERTIES, INC., d/b/a SERVPRO, FOR FIVE (5) VARIANCES RELATING TO MINIMUM LANDSCAPING AND PARKING STALL WIDTH REQUIREMENTS.

Nadia DiTommaso, Community Development Director, addressed the Planning & Zoning Board and stated that Staff would provide an overview of the site plan request by ServPro, and incorporate the variances within the description, and that two (2) separate motions would then be required by the Board.

Ms. DiTommaso explained that Staff received a Site Plan Application from Land Design South, the Agent for Metropolitan Properties, Inc., d/b/a ServPro, for the approval of a new site plan to construct a new two-story addition of 2,697 square feet of office/warehouse space to its existing 1,248 square foot office building located at 117 Miller Way. ServPro is a disaster remediation company which has been located in the Town of Lake Park for well over 15 years. ServPro desires to remain in the Town of Lake Park, and to meet its current operational needs, and therefore the Applicant is proposing additional administrative and storage space on-site. Ms. DiTommaso stated that Staff and the Town's consulting Engineer and Landscape Architect have reviewed the Site Plan Application and Variance Request.

Ms. DiTommaso explained that the current site was built in the early 1970's which was prior to many of the current Code Sections taking effect, and therefore, there are redevelopment constraints that the property owner will now face in order to redevelop this site. At this time, the applicant is proposing a Site Plan and five (5) Variances. Staff feels it is important to read into the record Objective 5 of the Future Land Use Element of the Town's Comprehensive Plan: *As a substantially build-out community in an urbanized area, the Town shall promote redevelopment and infill development in a manner that is considerate to existing neighborhoods and uses, the built and natural environments, and neighboring jurisdictions.* The proposed variances are necessary to allow a long-standing business in Town to redevelop and expand, while keeping within the character of the Industrial Park within which it is located. The property owner's Variance requests are consistent with this Objective.

Ms. DiTommaso outlined the project details and the requested variances: The Property is located in the CLIC Zoning District, with a future land use designation of Commercial and Light Industrial, and is also located within the Bioscience Overlay. The combined use, existing and proposed, of a 3,945 square foot office/warehouse business is a permitted use within the CLIC Zoning District and is consistent with the future land use designation. The

Interlocal Agreement approving the Bioscience Overlay does not object to any use that is permitted by right, but rather is only concerned with uses that require any form of land use designation change or rezoning specific to commercial or residential uses. Ms. DiTommaso gave an overview of the following details:

Site Access: The existing structure is located on a 0.2563 acre parcel on 117 Miller Way. The Property is only accessible through the Miller Way entrance/exit (westbound).

Traffic: Palm Beach County's Traffic Engineering Division reviewed the site and approved the Applicant's vehicular circulation and accessibility layout. A Traffic Concurrency Letter was issued in June of 2012.

Drainage: The Applicant has provided the Conceptual Engineering Plans as well as a Drainage Statement and preliminary drainage calculations to the Town. The engineering plans and calculations were reviewed by the Town's Engineer, and indicate that the Property will be improved to current South Florida Water Management District Standards with regards to drainage. The Town's Engineer reviewed and approved all engineering plans and certified that these plans meet the requirements of Town Code and the Florida Building Code.

Signage: The Owner's existing wall sign is a legal nonconforming sign. Pursuant to Town Code, all legal nonconforming signs must be brought into compliance with the current Sign Code by May 31, 2014. The Applicant is also proposing an additional wall sign which does meet Code regulations and will be permitted separately.

Water/Sewer: The Town Engineer and Seacoast Utility Authority have reviewed the Site Plan Application and determined that there is sufficient available capacity for potable water and for wastewater treatment set forth in the Town's Comprehensive Plan. The entire Industrial Park on the northwest quadrant of Old Dixie Highway and Silver Beach Road is currently on septic and is therefore routinely inspected by Palm Beach County Health Department, who works in conjunction with the Florida Department of Environmental Protection (FDEP). The septic tank will require a drain field area that will run north to south on each side of the property. An NPDES Permit will not be required since the site is less than one (1) acre.

Design: The Applicant submitted elevation plans which meet the Town's Architectural Design Guidelines by incorporating a varied color palette and architectural details on the four sides of the proposed two story addition. **Staff is recommending that the north wall incorporate additional banding and/or other architectural details to break up the blank wall, as a condition of approval.**

PBCFR: Palm Beach County Fire-Rescue (PBCFR) reviewed the Site Plan package and has no comments.

PBSO: The Palm Beach County Sheriff's Office (PBSO) typically reviews for Crime Prevention through Environmental Design (CPTED) compliance, although the review was

conducted by Staff in-house. Recommendations were given to the Applicant during the process, including a concern regarding a possible need for additional lighting along the front property line facing Miller Way. While additional lighting is a CPTED recommendation, Staff reviewed the Town’s photometric plan and verified that the current lighting does meet the Town’s lighting requirements, and therefore, additional lighting was not included by Staff as a condition for approval.

Landscaping: The Applicant is requesting four (4) variances from the Town’s Landscaping Code, as follows:

Town Code Section	Requirement	Proposed
78-253(c)(1) (Minimum Landscape Requirements)	Parking area shade trees provided such that no parking space is more than 40 feet from the center of a shade tree. Trees to be located within 5 foot islands (25 sf min.)	<i>No parking lot shade tree or islands</i>
78-253(h)(1) (Minimum Landscape Requirements)	8 foot perimeter buffers along the north, south and east property lines with one tree per 40 linear feet and 30 inch hedge installed at 2 foot on center	<i>No perimeter buffer along north or east property lines and a partially mitigated landscape buffer along the south property line proposing diamond cut-out plantings in between parking stalls.</i>
78-253(h)(1) (Minimum Landscape Requirements)	15 foot ROW buffer along west property line (Miller Way) with one hedge installed at 20 linear feet and 30 inch hedge installed at 2 foot on center	<i>6 foot wide ROW buffer along west property line (Miller Way)) with one tree per 20 linear feet and 30 inch hedge installed at 2 foot on center</i>
78-253(h)(4) (Minimum Landscape Requirements)	3 foot hedge provided around dumpster	<i>Hedge provided only on sides of dumpster. No hedge on rear of dumpster.</i>

Ms. DiTommaso stated that Staff is recommending the approval of the four (4) landscape variances.

Parking: The Applicant is requesting one (1) variance from the Town’s Code, as follows:

The parking spaces proposed meet the 14 required parking spaces per Town Code: 1 space per 250 square feet of office space (totaling 10 spaces); 1 space per 2,000 square feet of warehouse space (totaling 1 space); and 1 space per employee during the maximum shift of employment (totaling 3 spaces). The Applicant is requesting a variance to reduce the minimum parking stall width from 10’ to 9’, as follows:

Variance #	Town Code Section	Requirement	Proposed
1	78-142-1 (Off-Street Parking and Loading	10' Parking Stall width	<i>9' Parking Stall width</i>

Ms. DiTommaso stated that upon review of the criteria and considering that a 9' parking stall width is common among neighboring municipalities.

Staff is recommending approval of the parking variance request subject to the following condition:

- 1. The industrial park within which the Property is located is being considered for sanitary sewer. An eight (8) foot landscape buffer will need to be applied to the east of the Property to meet Landscaping Code requirements if the drain field is eliminated and replaced with sanitary sewer. A building permit will be required at the time and will need to meet current Code requirements.**

Ms. DiTommaso stated that Staff is also recommending approval of the Site Plan. At this point, Chair Thomas requested that the Applicant come forward for their presentation prior to the Staff site plan recommendation.

Jennifer Vale, Planning Director, Land Design South, Agent for the Applicant, addressed the Board Members and requested approval of the site plan and the five (5) variances. Ms. Vale stated that Land Design South is in agreement with the conditions of approval as recommended by Staff. Ms. Vale gave a brief Power Point Presentation providing visuals of the site, an explanation of the site plan, variance requests and the proposed architecture. Ms. Vale gave an overview of the five (5) variances requested. Ms. Vale stated that Land Design South is agreement with the Conditions of Approval proposed by Staff.

Board Member Lloyd stated that he is in favor of approval. Board Member Glas-Castro stated that she doesn't have a problem with the Variances, although she would prefer a reduction in parking rather than a reduction in landscaping. She also stated that she is happy that ServPro is proposing an addition to their current facility rather than to move out of the Town of Lake Park. Board Member Glas-Castro questioned Staff about the existing non-conforming sign; the closest Seacoast Utility line and the proposed parking lot diamonds being landscaped with shrubbery.

Chair Thomas questioned the use of the proposed additional space. Mitchell Rubin introduced himself as the business owner of ServPro, as well as the property owner of 117 Miller Way and 108 Miller Way, and stated that the proposed additional space is needed for administrative offices and storage.

There being no further discussion, Chair Thomas requested a motion to approve Staff's recommendation for the approval of five (5) Variances, with one condition, for Metropolitan Properties, Inc., relating to minimum landscaping and parking stall width requirements. Board Member Lloyd made the motion for approval, and the motion was seconded by Board Member Glas-Castro. The vote was as follows:

	Aye	Nay
Judith Thomas	X	
James Lloyd	X	
Kimberly Glas-Castro	X	

The Motion carried 3-0 and Staff's recommendation for the approval of five (5) Variances, with one condition, for Metropolitan Properties, Inc., relating to minimum landscaping and parking stall width requirements, was unanimously approved.

B. A SITE PLAN APPLICATION BY LAND DESIGN SOUTH, AS AGENT FOR METROPOLITAN PROPERTIES, INC. d/b/a SERVPRO, FOR A NEW 2,697 SQUARE FOOT OFFICE/WAREHOUSE TWO-STORY ADDITION ON A 0.2563 ACRE SITE CURRENTLY BEING OCCUPIED BY A 1,248 SQUARE FOOT OFFICE BUILDING AT 117 MILLER WAY.

Chair Thomas requested that Ms. DiTommaso review the 17 conditions, many of which are standard conditions, for the Site Plan Application. Staff is recommending approval of the site plan application with the variance previously approved, with conditions 1-17:

1. The Owner shall develop the Property consistent with the following Plans submitted by Land Design South:
 - a. Site Plan, Landscape Plans referenced as sheet SP.1, SP.2, and SP.3, respectively, dated 02-14-2013 and prepared by Land Design South, received and dated by the Department of Community Development on 02-14-2013.
 - b. Floor Plans and Elevations, referenced as sheets A-1 through A-3 and AB-1 dated 02-11-2013 and prepared by Island Design, Inc., received and dated by the Department of Community Development on 02-14-2013. Color elevations also included as sheets A-2 and A-3 and dated 05-04-12 and 02-11-13 respectively.
 - c. Drainage plan referenced as sheet C-1 and dated 02-13-2013 and prepared by Erdman Anthony, Inc, received and dated by the Department of Community Development on 02-14-2013.
 - d. Septic plan referenced as sheet SS-1 and dated 02-11-2013 and prepared by Gruber Consulting Engineers, Inc, received and dated by the Department of Community Development on 02-14-2013.
 - e. Photometric Plan referenced as sheet EI.1 and dated 02-12-2013, prepared by Kamm Consulting, Inc., received and dated by the Community Development Department on 02-14-2013.

- f. Irrigation plan referenced as sheet IR-1, dated 09-27-2012 and prepared by Irrigation Design, Inc, received and dated by the Department of Community Development on 02-14-2013.
 - g. Survey referenced as Job No. 98-228-5 and dated 03-09-2012, prepared by Dailey & Associates, Inc. and received by the Department of Community Development on 02-14-2013.
- 2) Construction on the subject property is permitted only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, except holidays, unless otherwise approved in writing at least 7 calendar days in advance by the Community Development Director.
 - 3) Any disturbance of the public right of way along Miller Way which causes a disruption to the normal flow of traffic shall be subject to the review and written approval of the Directors of the Town's Public Works and Community Development Departments at least 7 calendar days in advance.
 - 4) Any disruption to any of the surrounding entrance/exit streets and parking areas along Miller Way which causes the disruption to the daily operation of nearby businesses shall require prior written approval by the Community Development Director.
 - 5) The Owner's contractor shall employ commonly accepted construction practices to ensure the safety and well being of the general public.
 - 6) All landscaping as shown on the Site and Landscaping Plans shall be continuously maintained by the Owner from the date of the issuance of the Certificate of Occupancy by the Town. It is the Owner's responsibility to replace any and all dead or dying landscape material at any time the subject property is not in compliance with the landscaping requirements of the approved Site and Landscaping Plans.
 - 7) **The hedge material for the subject property shall be maintained at four feet.**
 - 8) Safe and adequate pedestrian passage shall be maintained along the subject property's frontage along Miller Way.
 - 9) The Owner shall ensure that any and all contractors use commonly accepted practices to reduce airborne dust and particulates during construction on the subject property.
 - 10) All dumpsters shall be enclosed as noted on the Site Plan and enclosure doors kept shut at all times. All dumpsters shall be acquired from the approved franchise supplier for the Town of Lake Park. **The dumpster opening shall be modified on the plan to reflect a 12 foot x 10 foot opening.**

- 11) **Applicant shall incorporate additional new custom hardcoat foam 10-inch x 19-inch square quoin with 4-inch x 4-inch inset tiles on the north wall, in addition to the proposed banding on the elevation.**
- 12) Prior to issuance of the Certificate of Occupancy, the Applicant shall provide certification from the Landscape Architect of record that the plant installations on the subject property are in accordance with the Site and Landscaping Plans hereby approved.
- 13) Prior to the issuance of any building permits, the Applicant shall submit copies of any other applicable permits required by other State and Federal agencies, including but not limited to Palm Beach County Health Department, Palm Beach County Land Development Division, South Florida Water Management Division and the State of Florida Department of Environmental Protection.
- 14) Any revisions to the approved Site Plan, landscape plan, architectural elevations, signs, Statement of Use, photometric plan, or other detail submitted as part of the Application, including, but not limited to, the location of the proposed improvements or additional, revised, or deleted colors, materials, or structures, shall be submitted to the Community Development Department and shall be subject to its review and approval.
- 15) The Owner shall initiate bona fide and continuous development of the subject property within 18 months from the effective date of this development order. Such development shall be completed within 18 months from the effective date of initiation of development; unless extended as provided for in the Town of Lake Park Code of Ordinances Section 67-42 *Expiration of development approvals*.
- 16) Cost Recovery. All fees and costs, including legal fees incurred by the Town in reviewing the Application and billed to the Applicant for the Owner, shall be paid to the Town within 10 business days of receipt of an invoice from the Town. Failure by an Owner or an Applicant to reimburse the Town within the 10 business day time period may result in the automatic revocation of any approvals by the Town and any other appropriate measures that the Town deems necessary and appropriate to secure payment.
- 17) The Owner's successors and assigns shall be subject to this Development Order, including its conditions.

There were no further comments from the Applicant. There were no comments from Board Member Lloyd. Board Member Glas-Castro commented that the additional security lighting guidelines were not listed as a condition per CPTED Guidelines and there are vehicles parked there at night. The property owner stated that FPL has 2 halogen lights on the back side of the property and the property is gated and closed at night. Chair Thomas expressed

concern that there are so many conditions on the application which makes it difficult to monitor, specifically Conditions #'s 3, 4 & 5 – impeding traffic flow, etc., and she is concerned about putting those types of conditions on the site plan. She also expressed concern about how the proposed new addition might impact the septic system and asked about a timeline for the applicant to connect to the sewer. Chair Thomas questioned whether the hazardous material/water collected by ServPro is being disposed of or dumped on site. Business owner Mitchell Rubin stated that there is no hazardous water/material being handled, only dirty water, and they their plan is to update the septic system to accommodate the new development. Chair Thomas discussed Condition No. 15.... *The owner shall initiate bona fide and continuous development of the property...*and asked if there could be a refundable bond posted by the Applicant in order to ensure that development occurs. Ms. DiTommaso stated this is a standard condition derived from the Town Code for projects which are built in one phase. The Town Attorney stated that this condition is already in the Code, and is therefore not necessary since the Code requires bona fide continuous development, and in the event that it doesn't occur, the development approval would expire. There was general discussion regarding the business operations of ServPro, daily on-site parking of their vehicles, and upgrading of the septic system in the future.

There being no further discussion, Chair Thomas asked for a motion to approve Staff's recommendation for the approval of a Site Plan Application, with 17 Conditions, for Metropolitan Properties, Inc., d/b/a ServPro, for a new 2,697 square foot 2-Story office/warehouse addition at 117 Miller Way. Board Member Lloyd made the motion for approval, and the motion was seconded by Board Member Glas-Castro. The vote was as follows:

	Aye	Nay
Judith Thomas	X	
James Lloyd	X	
Kimberly Glas-Castro	X	

The Motion carried 3-0 and Staff's recommendation for approval of a Site Plan Application, with 17 Conditions, for Metropolitan Properties, Inc., d/b/a ServPro, for a new 2,697 square foot 2-Story office/warehouse addition at 117 Miller Way was unanimously approved.

COMMENTS FROM THE COMMUNITY DEVELOPMENT DIRECTOR

The Community Development Director stated that she would provide the Board Members with an up-dated spreadsheet of the items that have come before the Board at the next Planning & Zoning Board Meeting.

ADJOURNMENT

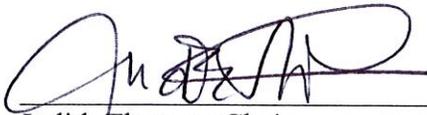
There being no further business before the Board, Chair Thomas adjourned the Meeting at 8:27 p.m.

Respectfully Submitted,



Kimberly Rowley
Planning & Zoning Board Secretary

PLANNING & ZONING BOARD APPROVAL:



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

DATE:

April 1, 2013