



**MINUTES
PLANNING & ZONING BOARD
MONDAY, FEBRUARY 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
Tim Stevens, 1 st Alt.	Present
Todd Dry, 2 nd Alt.	Present

Approval of Agenda

Ms. 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	
Tim Stevens	X	

Motion passed 5-0

Approval of Minutes

Mr. Stevens made a motion to approve the minutes from Monday, January 8, 2007.
Seconded by Ms. Munroe

	Aye	Nay
Jeff Blakely	X	
James Dubois	X	
Jeanine Longtin	X	
Diane Munroe	X	
Tim Stevens	X	

Motion passed 5-0

33 A motion was made by Mr. Stevens to amend the minutes from the Planning & Zoning
34 Board Workshop of Monday, January 22, 2007. Seconded by Vice Chairman Dubois.
35

	Aye	Nay
Jeff Blakely	X	
James Dubois	X	
Jeanine Longtin	X	
Diane Munroe	X	
Tim Stevens	X	

36 **Motion passed 5-0**

37

38 **New Business**

39

40 Quasi-Judicial Hearing. All witnesses or persons desiring to speak on the matter of Pool
41 Barrier were sworn in. Chairman Blakely asked each board member if they had any ex
42 parate communication, and each member responded that they had not.

43

44 1. A Variance Application submitted by Four Jay Consulting, Inc., as agent and Applicant,
45 on behalf of Pool Barriers for the real property located at 1313 S. Killian Drive, for an
46 eight (8) foot landscape buffer on both east and west property lines and a two (2) foot set
47 back, instead of the required twelve (12) foot, and a variance to extend the building north
48 consistent with its current configuration, two (2) feet east of the west property line.

49

50 Mr. Patrick Sullivan, Community Development Director identified himself for the record.
51 Mr. Sullivan stated that this applicant was asking for a Variance, Special Exception, and
52 Site Plan Review. Mr. Sullivan stated that he felt that this was an appropriate Variance to
53 ask for, and that this was a building that was not built out to the property line. Mr.
54 Sullivan also stated that the business needed to expand and they were presently renting
55 space all around them; the addition would be attached to the existing building but there
56 would be no connection between them. Mr. Sullivan explained that the Variance was
57 solely for the setbacks on the property line. The existing building is two feet from the
58 property line. Mr. Sullivan stated that staff supported the Variance. The Staff Report
59 dated January 29, 2007, is marked Exhibit "A" and made a part of these minutes.

60

61 Mr. Petreikis, President of Four Jays Consulting, Inc., identified himself for the record and
62 stated that he represented Mr. Kryda, the owner of the building who was present, to assist
63 him technically with presenting this building addition to the board. Mr. Petreikis stated
64 that the owner had been in the building for a period of ten (10) years, and that he rents out
65 two warehouses next store.

66

67 Chairman Blakely stated that he was in favor of keeping businesses in Lake Park and
68 letting them expand. He also stated that he had taken pictures and found the building well
69 taken care of, and he wanted to encourage businesses like this to expand. Mr. Petreikis
70 stated that the present facility was used for warehousing and fabrication and the new
71 addition would be used for warehousing.

72

73 Vice Chairman Dubois made a motion to approve the variance. Mr. Stevens seconded the
74 motion.

	Aye	Nay
Jeff Blakely	X	
James Dubois	X	
Jeanine Longtin	X	
Diane Munroe	X	
Tim Stevens	X	

76 **Motion passed 5-0**

77

78 2. A Special Exception application submitted by Four Jays Consulting, Inc., as agent and
 79 Applicant on behalf of Pool Barriers for the real property located at 1313 S. Killian Drive,
 80 for the addition of 2,600 square feet to make the subject property consistent with the
 81 original (Pool Barrier) manufacturing building on site. The addition of 2,600 square feet is
 82 permitted as a Special Exception use in the C-4 Zoning District.

83

84 Mr. Sullivan stated that the use of storage warehouse is not listed in the permitted uses, but
 85 listed in the next section under Special Exceptions. Mr. Sullivan explained that the board
 86 needed to look at it from a point of view of that it is consistent with other businesses in the
 87 area, and does it cause any undue impact on the area. Mr. Sullivan stated that he found it
 88 consistent with the other businesses in the area and that it did not create any type of traffic
 89 problems. Mr. Sullivan stated that a storage warehouse was a place that was used for just
 90 holding materials for another facility. Ms. Roselli stated that the Special Exception is for a
 91 specific amount of square footage so the business could not use the addition as
 92 manufacturing unless they came back and asked for another use.

93

94 Vice Chairman Dubois made a motion to approve the Special Exception. Seconded by Mr.
 95 Tim Stevens.

96

	Aye	Nay
Jeff Blakely	X	
James Dubois	X	
Jeanine Longtin	X	
Diane Munroe	X	
Tim Stevens	X	

97 **Motion passed 5-0**

98

99 3. A Site Plan application submitted by Four Jay Consulting, Inc., as agent and applicant
 100 on behalf of Pool Barriers for the real property located at 1313 S. Killian Drive in the C-4
 101 Zoning District, for the construction of a 2,600 square foot addition to the existing
 102 building.

103

104 Mr. Sullivan stated that he would let the agent for the applicant present the site plan. Mr.
 105 Sullivan stated that the landscaping meets the minimum landscaping requirements, the
 106 parking meets the minimum parking requirements, traffic is not an issue, drainage is not an
 107 issue and has been reviewed by the town engineer, no new signage, and that there are
 108 twelve (12) conditions of approval that Mr. Sullivan felt should be added to the site plan.

109

110 Chairman Blakely asked that the plant Hibiscus be substituted for Althea as it does not
111 grow in South Florida. Mr. Sullivan stated that no parking is allowed on South Killian
112 Drive except for loading and unloading.

113
114 Vice Chairman Dubois made a motion to approve the Site Plan along with the twelve (12)
115 conditions. Seconded by Ms. Munroe.
116

	Aye	Nay
Jeff Blakely	X	
James Dubois	X	
Jeanine Longtin	X	
Diane Munroe	X	
Tim Stevens	X	

117 **Motion passed 5-0**

118
119 4. A Site Plan Application filed by H & T Consultants, as agent and applicant for Bank of
120 America, to erect a 4,540 square feet bank building on the southwest out parcel of the
121 Wal*Mart property.

122
123 Nadia DiTommaso, planner for the Town of Lake Park, identified herself for the record.
124 Ms. DiTommaso stated that this was a 4,540 square foot drive-thru bank located on the
125 southwest corner of Congress Avenue and Park Avenue West. Ms. DiTommaso stated that
126 the parcel was located in the C-2 zoning district, and is in compliance with the
127 Comprehensive Plan. Ms. DiTommaso explained that a traffic report had been done, but
128 that we were waiting for the letter of TPS from Palm Beach County; in addition, the town
129 engineer had reviewed the drainage and 31 parking spaces are being provided. A copy of
130 the Staff Report dated January 20, 2007, is marked Exhibit "B" and made a part of these
131 minutes. Ms. DiTommaso stated that the sign package had been reviewed and approved as
132 they meet code requirements for signage, and landscape minimum has been met.

133
134 Chairman Blakely asked the applicant to come forward and make a presentation. Mr.
135 Harry Hinds of H & T Consultants from Jacksonville identified himself for the record. Ms.
136 Munroe had a question about security. Mr. Howard Linderman, Architectural Designer,
137 identified himself for the record, and stated that the bank had standard security with
138 cameras, etc. and some had security guards. Mr. Linderman stated that the bank had 2
139 ATM's.

140
141 Vice Chairman Dubois stated that he did not care for the architecture. Vice Chairman
142 Dubois directed the architect to drive out to the Bank of America located on Northlake
143 Boulevard at the Publix Shopping Center at Ibis. Vice Chairman Dubois asked that some
144 type of pedestrian access be created from Congress Drive but realized that there is a berm;
145 also texture the pavement where there is currently pedestrian access. Vice Chairman
146 Dubois also stated that they prefer monument signs to poles sign:

- 147
148 Vice Chairman Dubois summarized his suggestions:
149 Better pedestrian access
150 Architecture
151 Light fixtures

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No Orange Jasmine
Better signage (not a lollypop sign)

Chairman Blakely explained that the bank building is a piece of the Wal*Mart shopping center and, therefore, should fit in with the Wal*Mart building along with Murphy Oil in color, landscape and architecture. Chairman Blakely stated that he had made a list of what is presently being used as landscape plants on the Wal*Mart site. Mr. Linderman stated that the lights are 25 feet high.

A motion was made by Mr. Tim Stevens to continue the Site Plan to the next scheduled meeting in March. Seconded by Vice Chairman Dubois.

	Aye	Nay
Jeff Blakely	X	
James Dubois	X	
Jeanine Longtin	X	
Diane Munroe	X	
Tim Stevens	X	

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Motion passed 5-0

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5. Review and recommend to Town Commission that a zoning text amendment to Chapter 78, be adopted to permit educational facilities as permitted uses in the R-1A residential zoning district, and which will also allow for the expansion and improvement of educational facilities which are existing non-conforming uses, since educational facilities will (after the amendment) be in compliance with both the Zoning Code and the Comprehensive Plan.

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Chairman Blakely stated that he wanted to stress that there are two codes that are in conflict. Mr. Sullivan stated that we have a situation where private schools associated with churches are not allowed in the residential areas at all. Mr. Sullivan stated that we need to have a text change and a change to the land use map. He stated that we are doing this review so we can recommend to the town commission a text change to the code. Mr. Sullivan explained that they want to change the accessory use limitations and made sure that a school can be an accessory use to a church. Mr. Sullivan stated that the second thing that they are addressing is upgrading the accessory use definition to include things by defining it to be a little bit clearer and wording that designates what things will be allowed as an accessory use in all the residential areas. Mr. Sullivan gave examples like spas, private garage, swimming pool, green houses, tennis courts, etc.; basic uses incidental to their main residence.

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Mr. Sullivan answered Ms. Longtin question and stated that school are not allowed in residential areas. Ms. Roselli, Town Attorney, stated that churches are not allowed in R-1AA, but they are allowed in all the other districts but it was not clear what was an accessory use; for instance, Sunday School. Ms. Roselli stated that the language was changed in all the districts that had this in their code in order to be consistent, and that an accessory use could not be more than 650 square feet, which would make it very difficult to even have a Sunday School class. Ms. Roselli stated that a particular applicant wanted

194 to expand, and by clarifying the code, we are saying that they are legal. Ms. Roselli stated
195 that it is recognized in the zoning code except for R1-A, but it is not recognized in the
196 Comprehensive Plan as no commercial uses are allowed; Ms. Roselli explained that a Text
197 Amendment is needed to clear up any prior misconception or misunderstanding, and then
198 we will have to fix the Comprehensive Plan which will state a limited commercial use is
199 allowed in a residential zoning district, limiting the commercial use to a church and school
200 only.

201

202 Mr. Sullivan stated that currently the homes on Greenbrair Drive that are being used by the
203 church are R-1A and will stay R-1A after the change is made. There are currently three (3)
204 allowed uses in the R1-A: single family dwellings, churches and accessory buildings, and
205 at present, the accessory buildings can not be any larger than 650 square feet; anything
206 larger than that is not permitted in the R-1A. Mr. Sullivan explained that is why we need to
207 have a Text Amendment that says schools and their customary accessory uses are
208 permitted. Ms. Roselli stated that this change would affect any church in any zoning
209 district.

210

211 Ms. Roselli, Town Attorney and Vice Chairman Dubois had a lengthy discussion on what
212 was presently allowed in the residential zoning districts.

213

214 Vice Chairman Blakely stated that what is being discussed is accessory uses which began
215 with the 650 square footage which meant that the buildings on Greenbrair could not be
216 legally used, and that is a zoning issue that would have to come back to the Planning &
217 Zoning Board once that use was established to approve that use based upon the Site Plan,
218 landscape, and parking. Ms. Roselli suggested that if they were concerned about a
219 proliferation of churches and schools, they could suggest that there had to be a certain
220 distance between the churches.

221

222 Chairman Blakely asked the members of the board whether they wanted to make a
223 recommendation with limitations, or a motion to approve and recommend this to the Town
224 Commission. Ms. Munroe asked for more time to understand, and Ms. Longtin was in
225 agreement. Mr. Sullivan stated that they wanted to change the 650 square feet of an
226 accessory use and add schools as an accessory use to churches. Ms. Roselli stated that the
227 applicant would probably want to go ahead to the Town Commission.

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229 Mr. Stevens made a motion to approve the change with the conditions and limitation to
230 prevent a concentration of churches in a particular area. Motion died for lack of a second.

231

232 Ms. Longtin made a motion to table the matter until the next meeting, and that the
233 applicant can go forward to the Commission if they want. Motion died for a lack of a
234 second.

235

236 Mr. Stevens made a motion to not approve the change. Motion died for lack of a second.

237

238 Ms. Longtin made a motion to continue the matter until the next meeting. Vice Chairman
239 seconded the motion.

240

241

	Aye	Nay
Jeff Blakely		X
James Dubois	X	
Jeanine Longtin	X	
Diane Munroe	X	
Tim Stevens		X

242 **Motion passed 3-2**

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244 **Adjournment**

245

246 Mr. Tim Stevens made a motion to adjourn. Seconded by Ms. Munroe. The meeting was
 247 adjourned at 9:03 p.m.

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249 Approved 3-5-07

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252 Attest: Janice Otto

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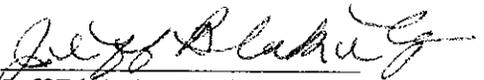
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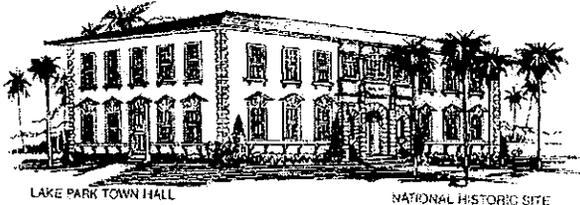
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 Jeff Blakely, Chairman



"Jewel" of the Palm Beaches

**TOWN LAKE OF PARK
PLANNING AND ZONING BOARD**

Meeting Date: February 5, 2007

Date Prepared: January 29, 2007

**REQUESTS FOR VARIANCE, SPECIAL EXCEPTION APPROVAL, AND SITE
PLAN AMENDMENT BY APPLICANT, POOL BARRIER, INC.**

APPLICANT'S REQUEST: A request by Pool Barrier, Inc. ("Applicant") for: 1) a variance to allow a reduction in the side set back requirements of Section 78-74(5) from 12 feet to 2 feet for the west property line; and (2) approval of a special exception for a storage/warehouse use; and (3) approval of a site plan to allow the construction of a 2,600 square foot storage/warehouse building for the real property located at 1313 S. Killian Drive in the C-4 zoning district.

BACKGROUND:

Applicant(s):	Pool Barrier, Inc.
Owner(s):	1313 Group
Address/Location:	1313 S Killian Drive, Lake Park, FL 33403
Net Acreage:	.48 acres
Legal Description:	See Application
Existing Zoning:	C-4 Business District
Future Land Use:	Commercial

Adjacent Zoning

North:	C-4
South:	C-4
East:	C-4
West:	C-4

Adjacent Existing Land Use

North:	Mixed Use & Dry Cleaning
South:	Mixed Use & Storage
East:	Storage & Construction
West:	Mixed Use & Storage

I. VARIANCE

In Florida, variance requests are conducted at quasi-judicial public hearings. This requires that the applicant and Town staff shall have the opportunity to present evidence, bring forth witnesses and ask questions of, or cross-examine any other party's witnesses. Members of the public may provide comment. The Board shall determine whether testimony presented is relevant and material, cumulative or repetitive. If there is

disagreement amongst the Board as to the relevance or repetitiveness of any testimony, the Board shall be polled and the majority shall prevail in such rulings. The Board shall assign such weight and credibility to the testimony of any witness as it deems appropriate. The Board shall have the authority to refuse to hear any testimony which is irrelevant, cumulative or repetitive. All witnesses shall be sworn and give testimony under oath. Ex parte communications with Board members outside of the presence of the other parties is not prohibited, however, disclosure of such communications by Board members is required. All decisions of the Board shall be supported by substantial competent evidence in the record pertinent to the proceeding, and must be consistent with the Comprehensive Plan.

The Applicant is requesting relief from Section 78-74(5) *Side Yard Requirement*, which provides that: "Side yard. No building or structure shall be located closer than 12 feet from one side yard line" The Applicant is requesting reduced side yard setback along the western side yard property line from 12 feet to 2 feet.

Analysis of Criteria and Findings for Variance

Below are listed the 6 variance criteria from Section 78-185 which all must be met before a variance can be granted. Note: **Staff comments are in bold. See criteria justification statement submitted by the Applicant attached.**

CRITERIA 1: *That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.*

There is an existing non-conforming manufacturing building on this site. The Applicant proposes to construct a new building which is not an expansion of the existing building, but the new building will abut, but not connect with the existing building. More than 98% of the buildings in this area are built to the property line and to the front and rear setback. These buildings were constructed prior to the adoption of the Zoning Code. This property is unique because it was never built out and there is space available in the rear for additional building space. The existing building is built to the property line, and it makes sense to continue the building addition along the property line.

CRITERIA 2: *That the special conditions and circumstances do not result from the actions of the Applicant.*

Most of the lots in the C-4 zoning district are too small to be brought into compliance with the current Code regulations that were adopted after the buildings were originally constructed. This is a result of the original platting of the area and is not a result of the actions of the Applicant.

CRITERIA 3: *That granting the variance requested will not confer on the Applicant any special privilege that is denied by the Town Zoning Code to other lands, buildings or structures in the same zoning district.*

The other buildings in the C-4 zoning district are also built to the property line. This variance will allow the Applicant to enjoy the same building placements as the other preexisting buildings in the same zoning district and surrounding area.

CRITERIA 4: *That literal interpretation of the provisions of the Code would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the Applicant.*

Not allowing the building to be built to the side property line would require the size of the building to be reduced in order to meet the parking requirements. Other properties in the area are built to the property line and enjoy additional parking as a result of where the building is located.

CRITERIA 5: *That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.*

The proposed new building follows the line of the existing building. Any deviation from that will either require the Applicant to reduce the size of the building or eliminate needed parking.

CRITERIA 6: *That the grant of the variance will be in harmony with the general intent and purpose of Code Section and the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.*

The grant of the variance provides for the construction of a building that is a permitted special exception use in the C-4 zoning district and is in harmony with the intent of the Code.

CONSISTENCY WITH THE COMPREHENSIVE PLAN

The Town's Comprehensive Plan does not address set backs and therefore the variance request is not inconsistent with the Town's Comprehensive Plan.

II. SPECIAL EXCEPTION

The Town Commission may permit special exception uses in the C-4 zoning district provided the Town Commission determines that the proposed use meets the special exception zoning criteria established in this chapter and is consistent with the goals, objectives and policies of the Town's Comprehensive Plan. In order to ensure that the special exception use is consistent with and implements good zoning practices and the goals, objectives and policies of the Town's Comprehensive Plan. The Town Commission may impose conditions upon the approval of a special exception use, including, but not limited to, conditions which require an applicant to exceed standards which have been adopted pursuant to the Town's land development regulations.

(4) *Other uses.* Other uses of the same general character as those listed above deemed appropriate by the Town Commission on an individual basis, after having

received a recommendation from the Planning and Zoning Board and appropriate Town staff, and as per subsection (3) of this section shall be so determined after a public hearing is held. 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

Objective 1: Future growth and development shall be managed through the preparation, adoption, implementation and enforcement of land regulations which: ... (3) encourage redevelopment, renewal or renovation, where and when necessary; and (4) discourage the proliferation of urban sprawl.

The Applicant is proposing to build a 2,600 SF storage warehouse building which is permitted as a special exception use in the C-4 district.

Policy 1.4: Land development regulations adopted to implement this Comprehensive Plan shall be based on and be consistent with the following standards for commercial land use intensities as indicated below:

- a. Location shall be in accordance with the Future Land Use Map.
- f. Adequate off-street parking and loading facilities shall be provided.

The storage warehouse is proposed for a site within a Commercial Zoning District. It is therefore consistent with the policy. Due the nature of the use, it also does not require any additional parking spaces.

Objective 2 Policy 2.1: The developer /owner of any site shall be responsible for the on-site management of stormwater runoff in a manner so that post-development runoff rates, volumes and pollutant loads do not exceed those prescribed by the South Florida Water Management District.

The Application is consistent with the Policy. The Application has been reviewed by the Town Engineer, and is found to be acceptable with the District stormwater run-off requirements.

Objective 3. All development orders and permits for future development and redevelopment activities shall be issued only if public facilities necessary to meet level of service standards are available concurrent with the impacts of the development.

The Application is consistent with the Policy. The appropriate sign offs have been obtained and are included in the Application packet.

6.0 Sanitary Sewer, Solid Waste, Drainage, Potable Water and Natural Groundwater Aquifer Recharge

6.62 Objective 1. The Town shall ensure through the land development approval process that, at the time a building permit is issued adequate public facility capacity is available or will be available at the time of occupancy.

The Applicant has provided the necessary Paving and Drainage Plans to satisfy the requirement.

8.0 Conservation

Objective 1: Protect air quality within the Town of Lake Park

Policy 1.1: Construction practices such as seeding, wetting, and mulching which minimize airborne dust and particulate emission generated by construction activities shall be undertaken within 30 days of completion of clearing work.

The Application will be consistent with the Policy as provided that the issuance of a building permit is conditioned on the requirement that the developer take appropriate necessary actions to minimize airborne dust and particulate emission on the site.

Objective 3: Conserve potable water supplies

The Application is consistent with the objective. Florida Building Code specifies water conservation fixtures which will be implemented on the site.

Analysis of Criteria and Findings for Special Exception

The Code of Ordinances provides for the following process for a special exception approval:

Sec. 78-184. Criteria for special exception.

(a) A special exception use shall not be approved unless an applicant establishes that all of the following criteria are met:

(1) The proposed special exception use is consistent with the goals, objectives, and policies of the Town's Comprehensive Plan.

The use is existing and is very similar to other uses in the area. This is a commercial use in an commercial area. Surrounding businesses include a Grading Co., Welding Co., Roofing Co., Marble Fabricator, Tire Co., Auto Repair, Construction, Offices, Cabinetry Co., Self Storage units, Auto/Marine Tops, Car storage lot, etc.

(2) The proposed special exception is consistent with the land development and zoning regulations and all other portions of this Code.

The Code provides for similar uses in this area as long as they are consistent with other uses. This is an industrial/commercial use that is similar to other industrial uses permitted in this area e.g. Boats, sales, service and storage are specified as uses that requires a special exception.

(3) The proposed special exception use is compatible with the character and use (existing and future) of the surrounding properties in its function; hours of operation; type and amount of traffic to be generated; building location, mass, height and setback; and other relevant factors peculiar to the proposed special exception use and the surrounding property.

The business will operate during the day as a secondary use to the principal building, and will have minimal, if no traffic generation, and is to be located in a space that is the same size as other uses in the area.

(4) 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.

There are uses of this type in the area, but it is not deemed detrimental.

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

There is no substantial competent evidence that this use will have a detrimental impact on surrounding properties. The use has no additional employees and will be solely used for storage.

(6) That the proposed special exception use:

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

There is no substantial competent evidence that this use will reduce light, adversely affect property values, deter redevelopment, or impact any natural systems. Since this is located as an addition to an office/warehouse facility e. above is not applicable.

Applicant's Response to Special Exception Criteria. Please see the attached justification statement to the special exception criteria as provided by the Applicant.

STAFF RECOMMENDATION ON SPECIAL EXCEPTION REQUEST:

Staff finds that all the criteria have been satisfied and recommends that the Town Commission APPROVE the special exception request.

III. SITE PLAN

PROJECT DETAILS:

The Applicant is requesting permission to:

- Construct a 2,600 square foot building to provide storage warehouse space as a SPECIAL EXCEPTION permitted use.
- a variance for the west property line to reduce the required 12 ft side yard setback to 2 ft.

Building Site: The Applicant proposes to construct a 2,600 sf building to provide necessary storage warehouse space.

Site Access: The Site is located west of Old Dixie Highway at 1313 S. Killian Drive.

Traffic: A traffic report is not required for this project and the use will not create any additional traffic.

Landscaping: A Landscaping plan has been provided, which includes: landscaping for Vehicular use areas; Building foundations excluding rear areas not visible by a public road right-of-way or not generally traveled by the public or visible from adjacent structures; Right-of-way entry lanes. Parking areas also contain the necessary landscaping. Landscaping between islands is not less than five feet wide as per Code (6 foot width provided). The vehicular area also has an existing hedge as required by Code. The electrical area at the back of the building is also protected by perimeter landscaping. Landscaping is deemed to be sufficient.

Drainage: The Applicant has provided conceptual engineering drainage drawings to the Town, and has been notified that prior to the issuance of a building permit, the Applicant must provide copies of all required agency permits, including, but not limited to, permits from the South Florida Water Management District. The Town's Engineer has reviewed all engineering plans together with all Town Code and Florida Building Code requirements and has approved these plans.

Parking: The new building will reduce the parking from 23 spaces to 21 spaces. This is still deemed to be sufficient.

Signage: New signage has not been proposed.

Zoning: A special exception approval will be consistent with the requirements of the C-4 Zoning District requirements of the Town Code. In addition, the proposed land use is consistent with the Comprehensive Plan.

STAFF RECOMMENDATIONS:

1. **Staff recommends APPROVAL of the SPECIAL EXCEPTION for the 2,600 square foot storage/warehouse use.**
2. **Staff recommends APPROVAL of the SITE PLAN for the addition of the 2,600 square foot storage/warehouse building, subject to the following conditions of approval:**

SITE PLAN CONDITIONS OF APPROVAL

1. Construction shall be allowed only between the hours of 7:00 a.m. and 7:00 p.m. unless otherwise approved by the Community Development Director.
2. Any disturbance of the public right of way along S. Killian Drive shall require review and approval from Public Works prior to any construction.
3. Any disruption to the property entrance/exit and parking areas shall require prior approval by the Community Development Director.

4. Any disruption beyond the boundaries of the site shall require the contractor to employ commonly accepted practices that ensures the safety and well being of the general public.
5. All approved landscaping shall be properly maintained. There shall be a minimum three-month replacement guarantee provided by the landscape company responsible for all new landscape material from time of issuance of the certificate of occupancy. It shall be the responsibility of the property owner to replace any and all dead or dying landscape material throughout the life of the project.
6. Safe and adequate pedestrian passage in front of the construction site along S. Killian Drive will be maintained at all times.
7. The contractor should use commonly accepted practices to reduce airborne dust and particulates during the construction phase.
8. All dumpsters (if any) shall be enclosed as should be noted on the site plan and enclosure doors kept shut at all times.
9. Prior to issuance of the Certificate of Occupancy, the Applicant shall provide certification from the Landscape Architect of record that the plant installations on site are in accordance with the plans approved by the Town Commission.
10. Prior to the issuance of any building permit, copies of all other required permits from other agencies including but not limited to Palm Beach County Health Department, Palm Beach County Land Development Division, South Florida Water Management Division and the State of Florida Department of Environmental Protection will be required.
11. The storage warehouse facility shall be constructed in compliance with the following plans on file with the Town's Community Development Department or authorized revisions as noted in condition 10. below:
 - a. Site Plan & Architectural Elevations referenced as sheet SP-1, SP-2 and A3, dated 01-17-07 and 01-29-07 respectively, prepared by Four Jays Consulting, Inc. who is the Architect and Engineer of record for the Project, received and dated by the Department of Community Development on 01-18-07.
 - b. Engineering Plans, referenced as sheets C-2 and C-8 dated 01/11/07 prepared by Four Jays Consulting, Inc., received and dated by the Department of Community Development on 01-18-07.
 - c. Landscape plans referenced as sheets SP-3 prepared by Four Jays Consulting, Inc., who is the landscape architect of record received and dated by the Department of Community Development on 01-18-07.
12. Any revisions to the site plan, landscape plan, architectural elevations, signs, statement of use, 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, unless the Town Code requires Town Commission approval.

IMPORTANT: PLEASE READ. The Owner of record or authorized agent shall initiate the bona fide and continuous development of the property within 18 months from the effective date of development approval. Such development shall be completed within 18 months from the effective date of initiation of development as defined in Section 67-42 of the Town Code

unless there is a grant of extension as otherwise provided for in the Town of Lake Park Code of Ordinances See Town Code Section 67-42 Expiration of development approvals.



LAKE PARK TOWN HALL

NATIONAL HISTORIC SITE

"Jewel" of the Palm Beaches

**TOWN LAKE OF PARK
PLANNING & ZONING BOARD**

Meeting Date: February 5, 2007

Date Prepared: January 20, 2007

PLAN DESCRIPTION: Site Plan Review for a new commercial bank with drive-through.

APPLICANTS REQUEST: A request by Bank of America for: 1) Site Plan approval for a new 4,540 sf commercial bank with drive-through located on the SW corner of Congress Avenue and Park Avenue West, as an out parcel of Wal-Mart.

STAFF COMMENTS: The site is located in the C-2 district.

BACKGROUND INFORMATION:

Applicant(s):	Bank of America
Owner:	Bank of American / Shirley Mullen
Address of Location:	SW Corner of Congress Avenue & Park Avenue West (105 N. Congress Avenue)
Lot Size:	1.31 acres
Zoning and Land Use:	C-2 / Mixed Commercial and Light Industrial

Adjacent Zoning

North:	TND
South:	C-2
East:	C-4
West:	C-2

Adjacent Land Uses

North:	Residential
South:	Wal-Mart
East:	Vacant
West:	Wal-Mart

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

Objective 1: Future growth and development shall be managed through the preparation, adoption, implementation and enforcement of land regulations which: ... (3) encourage redevelopment, renewal or renovation, where and when necessary; and (4) discourage the proliferation of urban sprawl.

The Applicant is proposing to build a new 4,540 sf commercial bank with drive-thru located on the SW corner of Congress Avenue and Park Avenue West, as an out parcel of Wal-Mart, which is a permitted use in the C-2 district.

Policy 1.4: Land development regulations adopted to implement this Comprehensive Plan shall be based on and be consistent with the following standards for commercial land use intensities as indicated below:

- a. Location shall be in accordance with the Future Land Use Map.
- f. Adequate off-street parking and loading facilities shall be provided.

The Bank of America is proposed for a site within the C-2 (Commercial) Zoning District. It is therefore consistent with the policy. The site plan also provides parking in excess of the spaces required by the Code.

Objective 2 Policy 2.1: The developer /owner of any site shall be responsible for the on-site management of stormwater runoff in a manner so that post-development runoff rates, volumes and pollutant loads do not exceed those prescribed by the South Florida Water Management District.

The Application is consistent with the Policy. The Application has been reviewed by the Town Engineer, and is found to be in compliance with the stormwater requirements of the District..

Objective 3. All development orders and permits for future development and redevelopment activities shall be issued only if public facilities necessary to meet level of service standards are available concurrent with the impacts of the development.

The Application is consistent with the Policy. The appropriate sign offs have been obtained and are included in the Application packet.

4.0 Traffic Circulation

Policy 2.2: The Town shall review all the proposed development and coordinate and cooperate with the responsible agencies for these improvements to bring them into compliance with the LOS standards.

The Applicant is in the process of obtaining required documentation from Palm Beach County confirming that the proposed 4,540 square foot Bank has satisfied Traffic Performance Standards (TPS) and meets traffic concurrency requirements.

6.0 Sanitary Sewer, Solid Waste, Drainage, Potable Water and Natural Groundwater Aquifer Recharge

6.62 Objective 1. The Town shall ensure through the land development approval process that, at the time a building permit is issued adequate public facility capacity is available or will be available at the time of occupancy.

The master system provides the required treatment for this Project, however pre-treatment is required for individual out parcels. Pre treatment for the first 0.5 inches run-off over the entire site is required. The proposed swale on the east property will provide a part of the pre-treatment volume, while the remaining treatment will be via exfiltration trenches.

Run-off will be directed to 40 L.F of exfiltration trench for quality treatment. A 2.5' high over flow weir is used for quality assurance and to 1899.73 SF of one foot deep swale. The Town believes there will be adequate public facility capacity at the time of occupancy.

8.0 Conservation

Objective 1: Protect air quality within the Town of Lake Park

Policy 1.1: Construction practices such as seeding, wetting, and mulching which minimize airborne dust and particulate emission generated by construction activities shall be undertaken within 30 days of completion of clearing work.

The Application will be consistent with the Policy as long the building permit is conditioned on the requirement that the developer minimize airborne dust and particulate emission on the site.

Objective 3: Conserve potable water supplies

The Application is consistent with the objective. Florida Building Code specifies water conservation fixtures which will be implemented on site.

PROJECT DETAILS:

Building Site: The Site has been master planned to include a 4,540 bank as an out parcel of Wal-Mart.

Site Access: The commercial bank is located on the SW corner of Congress Avenue and Park Avenue West. Site access is off Park Avenue West via the shared entry lane with Wal-Mart.

Traffic: Confirmation from Palm Beach County Traffic is still pending. The traffic report previously submitted meets TPS standards.

Landscaping: The Applicant is providing appropriate landscaping for the Site and is in compliance with the minimum landscape requirements as per the Code. All perimeter buffering is provided as required by the Code.

Drainage: The Applicant has provided conceptual engineering to the Town, and has been notified that prior to the issuance of a building permit the Applicant must provide copies of all required agency permits, including, but not limited to, permits from the South Florida Water Management District. The Town's civil engineer for this Project has reviewed and approved all engineering plans and all code and building code requirements.

Parking: The Applicant exceeds the Code requirements for parking spaces. The Code requires 24 spaces (inclusive of 1 handicap space), and the Applicant is providing 31 spaces.

Signage: The Applicant has satisfied the necessary signage requirements for the Site as well as the required directional signage for the drive-thru aisles.

Zoning: The zoning for the Site is C-2 and it is consistent with the Comprehensive Plan.

STAFF COMMENTS:

This Site Plan approval shall be subject to the following conditions:

1. Construction shall be allowed only between the hours of 7:00 a.m. and 7:00 p.m. unless otherwise approved by the Community Development Director.
2. Any disturbance of the public right of way along N Congress Ave or Park Avenue West shall require review and approval from Public Works prior to any construction.
3. Any disruption to the Wal-Mart Park Ave West entrance/exit and parking areas shall require prior approval by the Community Development Director.

4. Any disruption beyond the boundaries of the Site shall require the contractor to employ commonly accepted practices that ensures the safety and well being of the general public.
5. All approved landscaping shall be properly maintained. There shall be a minimum three-month replacement guarantee provided by the landscape company responsible for all new landscape material from time of issuance of the certificate of occupancy. It shall be the responsibility of the property owner to replace any and all dead or dying landscape material throughout the life of the project.
6. Safe and adequate pedestrian passage in front of the construction site along N Congress Ave and Park Ave West shall be maintained at all times.
7. The contractor should use commonly accepted practices to reduce airborne dust and particulates during the construction phase.
8. All dumpsters shall be enclosed as noted on the site plan and enclosure doors kept shut at all times.
9. Prior to issuance of the Certificate of Occupancy, the Applicant shall provide certification from the Landscape Architect of record that the plant installations on site are in accordance with the plans approved by the Town Commission.
10. Prior to the issuance of any building permit, copies of all other required permits from other agencies including but not limited to Palm Beach County Health Department, Palm Beach County Land Development Division, South Florida Water Management Division and the State of Florida Department of Environmental Protection will be required.
11. The Applicant must provide documentation from Palm Beach County that the proposed 4,540 square foot Bank of America out parcel of Wal-Mart has satisfied Traffic Performance Standards (TPS) and meets traffic concurrency requirements.
12. The bank shall be constructed in compliance with the following plans on file with the Town's Community Development Department or authorized revisions as noted below:
 - a. Site Plan & Architectural Elevations referenced as sheet C-1 and A02.01; A09.11 respectively, dated 12-20-06, prepared by H & T Consultants, Inc. who is the Architect of record for the Project, received and dated by the Department of Community Development on 01-11-07.
 - b. Engineering Plans, referenced as sheets C-2 and C-8 dated 12/20/06 prepared by H & T Consultants, Inc., received and dated by the Department of Community Development on 01-11-07.
 - c. Landscape plans referenced as sheets L-1 through L-5 prepared by A & K Land Planning and Design, Inc., who is the landscape architect of record received and dated by the Department of Community Development on 01-11-07.
 - d. Irrigation plan referenced as sheet L-3 dated 03-10-06, prepared by A & K Land Planning and Design, Inc., who is the landscape architect of record for the Project, received and dated by the Department of Community Development on 11-8-06.

13. Any revisions to the site plan, landscape plan, architectural elevations, signs, statement of use, 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, unless the Town Code or a condition of approval requires Town Commission approval.
14. The owner of record or authorized agent shall initiate the bona fide and continuous development of the property within 18 months from the effective date of development approval. Such development shall be completed within 18 months from the effective date of initiation of development as defined herein; unless there is a grant of extension as otherwise provided for in the Town of Lake Park Code of Ordinances **Section 67-42** *Expiration of development approvals*.