



Town of Lake Park

PLANNING & ZONING BOARD

MEETING AGENDA

MAY 2, 2011

7:30 P.M.

Town Hall Commission Chambers

535 Park Avenue

Lake Park, FL 33403

PLEASE TAKE NOTICE AND BE ADVISED: If any interested person desires to appeal any decision of the Planning & Zoning Board with respect to any matter considered at the Meeting, such interested person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Persons with disabilities requiring accommodations in order to participate in the meeting should contact the Town Clerk's office by calling 881-3311 at least 48 hours in advance to request accommodations.

CALL TO ORDER

ROLL CALL

Tim Stevens
Robin Maibach
Judith Thomas
Mason Brown
Anthony Bontrager

APPOINTMENT OF CHAIR & VICE-CHAIR

Pursuant to Sec. 2-111 of Code of Ordinances of the Town of Lake Park, a P&Z Board Chair and Vice-Chair shall be elected in January of each year, or at the closest possible meeting. Currently, the P & Z Board does not have a Chair or Vice-Chair.

APPROVAL OF AGENDA

APPROVAL OF MINUTES

Approval of the April 4, 2011, Planning & Zoning Board Meeting Minutes

PUBLIC COMMENTS

Any person wishing to speak on an agenda item is asked to complete a Public Comment Card located in the rear of the Commission Chambers and provide it to the Recording Secretary. Public Comment Cards must be submitted prior to the agenda item being discussed.

ORDER OF BUSINESS

The normal order of business for hearings on agenda items is as follows:

- Staff presentation
- Applicant presentation
- Board Members questions of Staff and Applicant
- Public Comments – 3 minute limit per speaker
- Rebuttal or closing arguments for quasi-judicial items
- Motion on floor
- Vote of Planning & Zoning Board Members

NEW BUSINESS

- A. Continuation of a request by Gentile, Holloway, O'Mahoney & Associates, Inc., as Agent for SC Lake Park Associates, LLLP, for re-zoning approximately 15.991 acres of developed land located on the southwest corner of Northlake Boulevard & Old Dixie Highway from C-1 to a PUD.

COMMENTS FROM THE INTERIM COMMUNITY DEVELOPMENT DIRECTOR, NADIA Di TOMMASO

ADJOURNMENT



**SPECIAL CALL
PLANNING & ZONING BOARD MEETING
MINUTES
APRIL 4, 2011
7:30 P.M.
TOWN OF LAKE PARK**

CALL TO ORDER

The Special Call Planning & Zoning Board Meeting was called to order by Chairman Jeff Blakely at 7:30 p.m.

ROLL CALL

Chairman Jeff Blakely	Present
Vice Chairman Todd Dry	Present
Tim Stevens	Present
Judith Thomas	Present
Robin Maibach	Present
Mason Brown, 1st Alt.	Excused
Anthony Bontrager, 2 nd Alt.	Present

APPROVAL OF AGENDA

Chairman Blakely asked for a motion to approve the agenda as submitted. Board Member Stevens made a motion to approve the Agenda as submitted. The motion was seconded by Board Member Dry, and the vote was as follows:

	Aye	Nay
Jeff Blakely	X	
Todd Dry	X	
Tim Stevens	X	
Judith Thomas	X	
Robin Maibach	X	

The Motion carried 5-0 and the agenda was unanimously approved.

APPROVAL OF MINUTES

Chairman Blakely requested a motion to approve the minutes of the November 9, 2009, Special Call Planning & Zoning Board Meeting as submitted. Board Member Dry made a motion and the motion was seconded by Board Member Stevens. The vote was as follows:

	Aye	Nay
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Jeff Blakely	X	
Todd Dry	X	
Tim Stevens	X	
Judith Thomas	X	
Robin Maibach	X	

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The Motion carried 5-0 and the Minutes of the November 9, 2009, Special Call Planning & Zoning Board Meeting were unanimously approved.

PUBLIC COMMENTS

There were no comments from the public.

NEW BUSINESS

- A. A request by Gentile, Holloway, O’Mahoney & Associates, Inc., as Agent for SC Lake Park Associates, LLLP, for re-zoning approximately 15.991 acres of developed land located on the southwest corner of Northlake Boulevard & Old Dixie Highway from C-1 to a PUD.**

Nada DiTommaso, Interim Community Development Director, provided an explanation of the request by Gentile, Holloway, O’Mahoney & Associates, Inc., as Agent for the Applicant, SC Lake Park Associates, LLLP, to rezone 15.991 acres of developed land located on the southwest corner of Northlake Boulevard and Old Dixie Highway from a C-1 Commercial District to a Planned Unit Development (PUD) District. She explained that the property currently has a Future Land use Designation of Commercial and is within the Northlake Boulevard Overlay Zone (NBOZ). She further explained that the PUD District allows for an overall site to be defined using a Unity of Control and allows the Applicant to apply for waivers of the Land Development Regulations contained within the C-1 Zoning District. Ms. DiTommaso informed the Board that, at this time, the Applicant, has no development plans, but is seeking to rezone from C-1 to the PUD Zoning District, as well as establish a Unity of Control document for the entire site. She said that the Applicant intends to sub-divide the Property to create parcels which would not have otherwise been able to meet the C-1 Zoning District Regulations. Additionally, by creating the PUD, the anchor tenants would have the opportunity to purchase/own their respective sites rather than lease from SC Lake Park Associates, LLLP. The Applicant believes that sub-dividing the parcel could facilitate the redevelopment of the property, resulting in an increase of the assessed value of the property. Ms. DiTommaso provided the Board with a table showing the Proposed Waivers to Reflect Existing Site Conditions and a Unity of Control Document as Exhibit “A” and proposed Waivers as “Exhibit “B”. Ms. DiTommaso stated that the Town is recommending the approval of the PUD, with conditions.

Jamie Gentile, Senior Planner, of Gentile, O’Mahoney & Associates, addressed the Board and provided a history of the property. He explained that creating a PUD would be a mechanism for the tenants to purchase the property. He added that the PUD would be

80 similar to a property owners association and there would then be one entity for addressing
81 code issues, etc.

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83 Chairman Blakely stated that it is unusual to create a PUD. Vice-Chair Dry expressed
84 concern with the number of waivers the Applicant is requesting. Board Member Thomas
85 expressed confusion and concern regarding the request, and questioned the distinction
86 between conforming and non-conforming uses. Additionally, Ms. Thomas stated that the
87 waivers were confusing and need clarity. Chairman Blakely stated that PUD's are intended
88 to be flexible and questioned what the Town would be gaining by approving the rezoning
89 request, adding that he would like to see the Applicant come back with less waivers. Mr.
90 Gentile stated that perhaps the Applicant might agree to enhance the landscaping. Board
91 Member Stevens expressed his concern that by allowing the Applicant to subdivide that the
92 Town loses the ability to keep control and to get tax revenue from the property owner as a
93 whole, and that there could be a potential to decrease the tax value. The Town Attorney
94 explained that there cannot be a legal comparison on property values as a whole or on a lot-
95 by-lot basis without additional appraisal or facts being presented.

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97 It was the consensus of the Board that the following items would be needed in order to reach
98 a decision on the recommendation, and that the Meeting should be continued until they were
99 provided the following information:

- 100 • Color rendering of the site, depicting the areas which are non-conforming
- 101 • Proposed areas that the Applicant is willing to come into compliance with, rather
102 than request a waiver, specifically, landscaping.

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104 Upon conclusion of the Board discussion, Vice-Chair Dry made a motion to continue
105 consideration of the rezoning request of SC Lake Park Associates, LLLP, until the May 2,
106 2011, P&Z Board Meeting. The motion was seconded Board Member Thomas and the vote
107 was as follows:

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	Aye	Nay
Jeff Blakely	X	
Todd Dry	X	
Tim Stevens	X	
Judith Thomas	X	
Robin Maibach	X	

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110 **The Motion carried 5-0 and the P&Z Board unanimously agreed to continue the**
111 **rezoning request to the May 2, 2011, P&Z Board Meeting.**

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113 **COMMENTS FROM THE INTERIM COMMUNITY DEVELOPMENT DIRECTOR**

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115 There were no comments from the Interim Community Development Director.

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117 Diane Burckart, a resident of Lake Shore Drive addressed the P&Z Board and expressed her
118 concern about the rumored possibility of the Town closing Lake Shore Drive. Chair Blakely
119 informed Ms. Burckart that her concerns should be directed toward the Town Commission.

120 Town Attorney Baird told Ms. Burckart that there has been a conceptual site plan floating
121 around for a restaurant/promenade on Lake Shore Drive, but that it would first have to be
122 presented to the Planning & Zoning Board and then to the Town Commission for approval.

123

124 Chairman Blakely announced that after 16 years of service, he was retiring from the P&Z
125 Board and that tonight was his last Board Meeting. Mr. Blakely thanked his fellow Planning
126 & Zoning Board Members and the Town Commission for their support over the years.

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128 **ADJOURNMENT OF MEETING**

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130 Board Member Thomas made a motion to adjourn the meeting. The motion was seconded
131 by Board Member Dry and the meeting was adjourned at 8:25 p.m.

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133 Respectfully Submitted,

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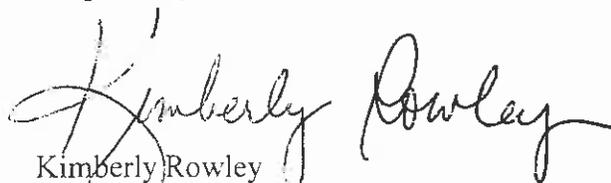
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Kimberly Rowley
Planning & Zoning Board Secretary

Chair, Planning & Zoning Board

Date Approved: May 2, 2011

**Town of Lake Park
Community Development Department**



Meeting Date: May 2, 2011

From: Nadia Di Tommaso, Interim Community Development Director

To: Planning & Zoning Board

**Re: K-Mart Retail Plaza Rezoning
Continuance from April 4, 2011**

At the April 4th Planning & Zoning Board meeting, the Board had two major concerns:

- (1) The lack of visual content in the plans to be able to properly visualize the waivers being requested.
- (2) The possibility of the Applicant providing some additional landscaping (or other) to the property as a benefit to the Town, in order to minimize the waivers being requested.

Staff is in receipt of a "Waiver Location Plan". This plan better visualizes the waivers being requested. They can be summarized as the following:

	Waiver#	Code Section (NBOZ or LP)	Description:	Required:	Existing:
1. Open Space	1	Section 6-2 (NBOZ)	Min. Open Space Required	15%	11%
2. Parking	2A	Section 78-142-1(LP)	Required No. of Parking Spaces	918 spaces	798 spaces
	2B	Section 6-2 (NBOZ)	Parking Setback	Front & Side Street: 10' Rear: 15'	3.3' & 8.82' 9'
	2C	Sec. 4-10 A.1 (NBOZ) Sec. 78-253(c)(1)(LP)	Parking area min. shade tree spacing	No Parking space more than 40' from shade tree	39 spaces affected
	2D	XXX	Landscape Islands	Required every 9 spaces	28 rows w/ more than 9 spaces in a row
3. Landscape	3A	Sec. 4-10 F1 (NBOZ) Sec. 78-253(h)(4) (LP)	Hedges/Screening	All parking, loading or storage areas shall have cont. 3'	None provided loading

3B	Sec. 4-11 (NBOZ) Sec. 78-253(h)(1) (LP)	Landscape Buffer Widths	hedge R/W Buffer = 15' Min. (NBOZ) Perimeter Buffer = 8' Min. (LP)	5'-35' 8'-10'
3C	Sec. 4-11 (NBOZ) Sec. 78-253(h)(2) (LP)	Planting – Buffer Trees	116 trees (NBOZ) 122 trees (LP)	85 Buffer Tree

In reviewing the *Waiver Location Plan*, staff remains of the opinion that the rezoning to PUD would provide the Applicant with greater flexibility if the property redevelops in whole, or in part in the future. The waivers being requested are to both the standard code and the Northlake Boulevard Overlay Zoning District (NBOZ), including: (a) to the number of parking spaces required for the shopping center; (b) the provision of a minimum number of shade trees and their spacing within parking areas; (c) the number of required shade trees and the provision of landscape islands within the shopping center's parking lot; (d) buffer trees along the shopping center's perimeter and the width of that buffer; (e) a landscaped buffer for the shopping center's trash collection site. The absence of the required perimeter landscaping and landscaping and tree islands in the parking areas of the shopping center contributes to its current appearance as a vast sea of asphalt.

The numerous waivers being requested are a consequence of the K-Mart Plaza having been developed over almost 40 years, during which time the Town's land development regulations have been modified. The effect on the K-Mart Plaza has been to render the development within the K-mart Plaza nonconforming with respect to many of these land development regulations. During the years the K-mart Plaza added new uses, the owner of the shopping center was apparently never required to meet the Town's existing land development regulations regarding such things as landscaping and parking. Nor was the owner required to make any improvements to mitigate or reduce the degree of the the deficiencies in landscaping, parking, or buffers existing on the site

An existing section of the Town Code now prohibits the expansion of the site because of the numerous nonconformities (as referenced above) with the Code and NBOZ. Thus, without some change to the existing land development regulations, the owner cannot expand the site because of the existing deficiencies in parking and landscaping. The rezoning of the K-mart Plaza to a PUD would eliminate any nonconformities onsite, thereby allowing the property to expand, subdivide and/or redevelop in the future. The Applicant's rezoning application to PUD would legitimize the existing nonconforming conditions in order to *enable* and *encourage* future reinvestment and redevelopment of the site. Assuming there is redevelopment of the site the new development would not have to meet the existing landscaping, perimeter buffering and parking requirements. While it would be in the best interest of both the existing property owner and the Town for the site to be expanded and/or redeveloped, it would

also be in the owner and Town's interest if the aesthetics and parking of the site are improved. Presumably, the buffering, landscaping and parking deficiencies would be addressed as part of any redevelopment of the site. However, the current application merely requests a change in zoning which eliminates all of these deficiencies without anything in return.

Staff does feel that the comment relating to adding some additional landscaping to the site is valid. Nevertheless, the Applicant is not proposing any new development at this time, and staff feels it would be more appropriate to apply a condition that is in line with the PUD regulations for development, **whereby all future development will require appropriate review and will need to follow the development standards of the Code as well as those directed by the respective Boards.**

The PUD Code is specific and it states under Section 78-77 4(a):

"A pre-existing commercial development may convert its site to a PUD in order to provide the subdivision of individual lots within the boundaries of the newly created PUD. Such a request shall not be required to conform to the regulations of this subsection 4, as part of such a request as long as no development is proposed. Any development or future development within the PUD site shall conform to the regulations in this subsection 4, and all other applicable provisions of the PUD regulations as set forth here."

Town staff recommends that the Town Planning & Zoning Board recommend **APPROVAL** of the rezoning from the C-1 District to the PUD District with the following conditions of approval:

- 1) The owners of all parcels within the PUD shall be subject to the Unity of Control Document as outlined in **Exhibit "A", which shall be recorded.**
- 2) All proposed waivers in **Exhibit "B"** shall be approved.
- 3) All underlying regulations in the C-1 and NBOZ that are not otherwise modified and approved as part of the PUD, shall continue to apply to the PUD.
- 4) **All future development proposals are subject to all the development standards set forth in the Code, including but not limited to the ability to revisit and modify any of the approved waivers under this Rezoning request, in order for the Town to be able to apply any requirements necessary for the reinvestment of parking and landscaping to the site.**
- 5) Any redevelopment of the Property shall meet the County's traffic concurrency ordinance.
- 6) Any revisions to the approved Site Plan, shall be submitted to the Community Development Department and shall be subject to its review and approval.
- 7) The K-Mart Plaza shall be in compliance with the following plans on file with the Town's Community Development Department or authorized revisions as noted below:

- a. Site Development Plan as sheet SP-1, dated 03-22-2011 prepared by Gentile Holloway O'Mahoney & Associates, Inc. who is the Planner of record for the Project.
 - b. Survey Plans as sheet S-1, S-2, and S-3, dated 03-21-2011 prepared by ATLA/ACSM Land Title Survey, as surveyor of record for the Project.
 - c. Waiver Location Plan as sheet WP-1, dated April 19, 2011, prepared by Gentile Holloway O'Mahoney & Associates, Inc. who is the Planner and Landscape Architect of record for the Project.
- 8) **Cost Recovery.** The Owner/Applicant shall reimburse the Town within 10 days of the submission of an invoice by the Town for the consulting and legal fees and costs the Town has incurred, in reviewing the Project. Failure by an Owner/ Applicant to reimburse the Town within 10 days may result in the automatic revocation of any and all land development approvals by the Town and any other appropriate measures that the Town deems necessary and appropriate to secure payment.



GENTILE
HOLLOWAY
O'MAHONEY
& ASSOCIATES, INC.
Landscape Architects
Planners and Environmental
Consultants • LC-00001771

George G. Gentile, FASLA
M. Troy Holloway, ASLA
Emily O'Mahoney, ASLA

K-Mart Retail Plaza Rezoning

Town of Lake Park, Florida

Summary of Waivers

April 19, 2011

The attached exhibit highlights the areas of variation, waivers from the code that are currently approved on the site. This plan serves to demonstrate the design standards that were used to develop the site. The waivers are primarily related to the parking areas as the number of trees, their placement and the number of parking islands, which are not consistent with standard code requirements. The exhibit also demonstrates that in areas where the current approved plan fails to meet standard code, there are companion areas that exceed the same code requirement. For example the parking lot staggers the island placement and tree placement in a different design pattern. Thus, the exhibit shows areas with 12 spaces in a row that don't meet code but they are adjacent to others with 7 parking spaces in a row before an island which exceeds code. Thus demonstrating that the PUD, and its waiver provision permit more flexibility in design. Other variations include the fact that the site is now under newer code provisions created by the Northlake Boulevard Overlay Zone (NBOZ.)

The waivers represent the conditions, as approved. No new requests are being made at this time. The rezoning to PUD is being done to allow for the individual ownership of parcels with in the overall development plan while maintaining the integrity of the overall plan. Additionally, the rezoning to PUD allows the opportunity to create a clear record of the existing conditions with the site plan by documenting the design standards of the approved plan.

It should be further noted that consistent with the provisions of the PUD, specifically Section 78-77 4(a), the code states: "A pre-existing development may convert its site to a PUD in order to provide for the subdivision of individual lots within the boundaries of the newly created PUD. Such a request shall not be required to conform to the regulations of this subsection 4 as part of such a request as long as no development is proposed. Any development or future development within the PUD site shall conform to the regulations in this subsection 4 and all other applicable provisions of the PUD regulations as set forth here in." At this time the applicant is not proposing any development, and thus is consistent with this policy.

Again we would respectfully request your approval of the rezoning request to PUD, and the associated waivers, which are a representation of the existing conditions that enabled this site to develop.

1907 Commerce Lane, Suite 101
Jupiter, Florida 33458
561-575-9557
561-575-5260 FAX
www.landscape-architects.com



Waivers Requested from Lake Park (LP) & NBOZ Code:

	Waiver #	Code Section (NBOZ or LP)	Description:	Required:	Existing:
1. Open Space	1	Section 6-2 (NBOZ)	Min. Open Space Required:	15%	11%
2. Parking	2A	Sec. 78-142-1 (LP)	Req'd. No. of Parking Spaces	918 Spaces	798 Spaces
	2B	Section 6-2 (NBOZ)	Parking Setback	Front & Side Street: 10' Rear: 15'	3.3' & 8.82' 9'
	2C	Sec. 4-10 A 1. (NBOZ) Sec. 78-253(c)(1) (LP)	Parking area min. shade tree spacing	No parking space more than 40' from a shade tree	39 Spaces Affected
	2D	XXX	Landscape Islands	Req'd. every 9 parking spaces	28 Rows w/ more than 9 Spaces in a row
3. Landscape	3A	Sec. 4-10 F 1.(NBOZ) Sec. 78-253(h)(4) (LP)	Hedges/Screening	All parking, loading or storage areas shall have cont. 3' hedge	None provided loading
	3B	Sec. 4-11 (NBOZ) Sec. 78-253(h)(1) (LP)	Landesape Buffer Widths	R/W Buffer = 15' Min. (NBOZ) Perimeter Buffer = 8' Min. (LP)	5' - 35' 8 - 10'
	3C	Sec. 4-11 (NBOZ) Sec. 78-253(h)(2) (LP)	Planting - Buffer Trees	116 Trees (NBOZ) 122 Trees (LP)	85 Buffer Trees