



Minutes
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, May 20, 2015, 6:30 PM
Town Commission Chamber, 535 Park Avenue

The Town Commission met for the purpose of a Regular Commission meeting on Wednesday, May 20, 2015 at 6:30 p.m. Present were Mayor James DuBois, Vice-Mayor Kimberly Glas-Castro, Commissioners Erin Flaherty, and Kathleen Rapoza, Town Manager John O. D’Agostino, Attorney Thomas Baird, and Town Clerk Vivian Mendez. Commissioner Michael O’Rourke arrived at 6:54 p.m.

Town Clerk Mendez performed the roll call and Mayor DuBois led the pledge of allegiance.

Mayor DuBois asked that the agenda be reorder to allow the two (2) items on New Business (item 6 and 7) to be presented before Public Comment and the Consent Agenda.

Motion: Vice-Mayor Glas-Castro moved to approve the reordering of the agenda; Commissioner Rapoza seconded the motion.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O’Rourke			Not present at the time of the vote.
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 4-0

NEW BUSINESS:

6. Resolution No. 15-05-15 Appointment of a Representative to the Seacoast Utility Authority Board.

Town Manager D’Agostino explained the item (see Exhibit “A”). Mayor DuBois explained that he notified Rim Bishop, Director of the Seacoast Utility Authority (SUA) to explain that the Resolution appointing the Town Manger was scheduled for approval on tonight’s agenda. Mr. Bishop asked if the Resolution was on the SUA form. Mayor DuBois stated that he did not know if the Resolution was on the SUA form, but believes that the form provides instructions on where the monthly payment from SUA should be sent. He requested that the procedure of having the SUA monthly payment continue to be sent to the Town.

Motion: Vice-Mayor Glas-Castro moved to approve Resolution 15-05-15 and have the payment from Seacoast Utility Authority continue to be sent to the Town; Commissioner Rapoza seconded the motion.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke			Not present at the time of the vote
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 4-0

7. Award of the Marina Security Services Contract (Unarmed) bid.

Human Resources Director Bambi Turner presented the item (see Exhibit "B").

Motion: Commissioner Rapoza moved to award the Marina Security Services Contract (Unarmed) to U.S. Security Associates, Inc.; Commissioner Flaherty seconded the motion.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke			Not present at the time of the vote
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 4-0.

PUBLIC COMMENT:

Ellen McCormick – expressed concern with the proposed cell tower at the Lake Park Harbor Marina.

CONSENT AGENDA:

1. Regular Commission meeting minutes of May 6, 2015.

Motion: Commissioner Flaherty moved to approve the consent agenda; Commissioner Rapoza seconded the motion.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke			Not present at the time of the vote
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 4-0.

Mayor DuBois explained that the presentations for the remaining items on the agenda regarding the Earl Stewart Toyota projects would be combined, but action would be taken separately for each item.

Town Attorney Baird swore in all witnesses.

Ex-parte Communication Disclosure:

Commissioner Rapoza disclosed that she received and responded to many emails regarding the project. She disclosed that she forwarded those emails to staff. She disclosed that she met with the applicant.

Commissioner Flaherty disclosed that he had received and responded to many emails regarding the project. He disclosed that he met with the applicant regarding the architectural design of the project.

Commissioner O'Rourke disclosed that he met with five (5) residents, including Sam Baghdady, regarding the project. He stated that he has not spoken with the applicant.

Vice-Mayor Glas-Castro disclosed that she received and responded to many emails. She disclosed that she forwarded the emails to staff. She disclosed that she met with staff to discuss the project. She disclosed that she drives past the site every day.

Mayor DuBois disclosed that he received and responded to forty-five (45) emails. He disclosed that he met with staff to discuss the project. He disclosed that he met with the design team for the applicant to discuss the project.

Community Development Director Nadia DiTommaso explained that the items (see Exhibits "C, D, E, and F").

Anne Booth with Urban Design Kilday Studios, representing the applicant gave a presentation on the project (see Exhibit "G").

Mayor DuBois explained that Public Comment would now be heard.

Public Comment Opened:

1. Helen Rodriguez, 903 Lake Shore Drive, representing Marina Key Apartments opposed the project.
2. Philip Bathon, 916 Lake Shore Drive, opposed the projects.
3. Karol Wilkens, 7102 Maplewood Drive, supports the projects.
4. JoAnn Doll, 801 Lake Shore Drive read a "Letter to the Editor" she wrote to the Palm Beach Post supporting the projects.
5. Penny Broda, 8 E. Ilex Drive, provided her comments in writing, see Exhibit "H".

6. Rick Kearney 9239 Melody Road, Lake Worth, supports the projects.
7. Jerry Rapoza, 801 Lake Shore Drive, supports the projects.
8. Erica Prochilo, 1612 16th Lane, Palm Beach Gardens, supports the projects.
9. Rex Andrews 903 Lake Shore Drive, supports the projects.
10. James Sullivan, 348 Flagler Blvd., supports the projects.
11. Tuyen Le, 1115 Lake Shore Drive, expressed concern with the projects including the water treatment, and suggested that the existing trees be re-planted around the existing parking garage.
12. Can Nguyen, 1155 Lake Shore Drive, expressed concern with the abandonment of E. Jasmine Drive.
13. JoAnn Webb, 912 Lake Shore Drive, expressed concern with the project.
14. Iris Sullivan, 348 Flagler Blvd., supports the projects.
15. Benjamin Valle, 1045 Lake Shore Drive, provided a petition opposing the projects. See Exhibit "I".
16. Doug Bradfield, 16766 123rd Terrace, Jupiter, supports the projects.
17. Bethany Clark, 1110 Lake Shore Drive, provided a petition opposing the projects. See Exhibit "J".
18. Eileen Chapman, 1130 Lake Shore Drive, expressed concern with the projects.
19. Lesly Berry, 439 Australian Circle, expressed concern with the projects.
20. Judith Thomas, 204 E. Jasmine Drive, expressed concern with the projects.
21. Charles Johnson, 402 4th Court, Palm Beach Gardens, gave a brief history of his career and supports the project.
22. Ronnie Lee Cohen, 142 Evergreen Drive, supports the projects.
23. Steve Hockman, 638 Flagler Blvd., supports the projects.
24. Kevin Middlebrook, 4674 Lakeside Circle, Palm Beach Gardens, supports the projects.
25. Bill Reichel, 5690 High Flyer Road, Palm Beach Gardens, supports the projects.

26. Russ Swift, 12891 S. Shore Drive, Palm Beach Gardens, supports the projects.

Public Comment Closed:

Vice-Mayor Glas-Castro asked how the increased traffic would affect the surrounding streets that filter onto Federal Highway once E. Jasmine Drive were closed. Professional Engineer Rob Rennebaum of Simmons & White gave his opinion on the results reflected in the traffic study. He stated that it seems that the traffic study reflects the worst case scenario using the 2004 traffic study, which was compared to the traffic study conducted in 2013. Vice-Mayor Glas-Castro stated that in the applicant presentation it reflects that the retention pond would be changed to some type of exfiltration or reservoir. She asked if the dealership would accept runoff water from Lake Shore Drive and would that runoff help drainage. Mr. Rennebaum answered the first question of "Does the dealership take drainage from Lake Shore Drive". He stated that the short answer to that question was no. He stated that the abandonment of E. Jasmine Drive would help drainage on Lake Shore Drive. He explained that the Town Code, the Department of Environmental Protection, and South Florida Water Management requires that the runoff water that ends up on site be treated on site before it was discharged. He stated that the applicants' conceptual plans show the water treatment process and a decrease of water leaving E. Jasmine Drive and reaching Lake Shore Drive.

Commissioner O'Rourke asked if the traffic study was conducted in a conservative manner making it unnecessary to have an independent study conducted of each of the side roads. Mr. Rennebaum agreed. Commissioner O'Rourke stated that the Palm Beach County requirements for traffic studies were different from the traffic study conducted in 2004 and 2013. Mr. Rennebaum stated that there are two very different issues regarding traffic being discussed. One was the Palm Beach County concurrency process, which was a completely separate report. Then there was the report that the Town requested from the applicant to address the diversion of traffic off E. Jasmine Drive should that roadway be abandoned. Commissioner O'Rourke stated that the traffic study does not affect the Town because of the Palm Beach County requirements. Mr. Rennebaum stated that the traffic volumes in the Town are low and would not reach the Palm Beach County threshold. Commissioner O'Rourke asked how the drainage issue would be resolved during phase I of construction. Mr. Rennebaum stated that the contractor would be required to provide a means and method for erosion control and a strict plan to protect the Lake Worth Lagoon and the runoff on the site. He stated that during construction there would be different methods to protect the runoff, which would ultimately reach the Lake Worth Lagoon.

Commissioner Flaherty asked if the increased water runoff from the project would be directed into the Town's already non-functioning water drainage system. Mr. Rennebaum stated that the applicant's conceptual plans do address that issue, but additional requirements would be required should the site plan be approved. Commissioner Flaherty stated that the abandonment of E. Jasmine Drive was approved many years ago. He asked if the Ordinance does not pass, what was the timeframe in which the Town would regain that roadway. He asked if the guidelines have remained the same since the original submittal. Community Development Director DiTommaso stated that the Town Code requirements have not changed since the last time the projects were considered.

Vice-Mayor Glas-Castro asked for clarification on the TPS letter, which contains the project construction schedule. Community Development Director DiTommaso stated that the TPS letter build-out date only applies to phase I (which begins soon after adoption) and phase II (interior construction of the existing building). However, there was a condition with dates that were provided by the applicant for the commencement and completion of phase III (parking garage). She explained that Palm Beach County did not include the parking garage structure when they generated their letter because it was being used for storage purposes. Vice-Mayor Glas-Castro expressed concern with the 20 foot height lights poles being proposed on the parking garage roof. Community Development Director DiTommaso stated that she was told that the parking garage would be used for storage and not for public access. Vice-Mayor Glas-Castro expressed concern with the proposed bus shelter and the maintenance of the bus shelter. Community Development Director DiTommaso stated that maintenance of the bus shelters could be included as a condition in the Resolution. Vice-Mayor Glas-Castro asked Ms. Booth if the trellis would be planted. Ms. Booth stated no. Vice-Mayor Glas-Castro asked if the living walls would be proposed for the new parking garage. Ms. Booth stated no and that the proposed landscaping was for the East and South areas of the property. Vice-Mayor Glas-Castro asked for clarification regarding the wing-walls proposed to buffer the sound of the car wash. Ms. Booth explained that the main walls were being extended out four-feet on each side of the building to allow the wing-walls to be built, which would allow any noise to bounce off the wing-walls and buffer the noise. Commissioner Rapoza asked how effective are the wing-walls to buffer the noise. Ms. Booth stated that the walls are four-feet out in each direction. Danny Brown of Glidden Spina Architects explained that they would be using the lowest noise producing blower equipment for the car wash paired with the wing-walls; they expect the carwash noise to be contained.

Commissioner O'Rourke explained that he did not believe that the appraisal done on the property accurately reflects the cost of E. Jasmine Drive. He asked the appraiser to answer questions regarding the appraisal done for E. Jasmine Drive. Mr. Francis T. Brown III, (Ted Brown) owner of Broker of Ted Brown Rothstein introduced himself and explained that he conducted the appraisal for E. Jasmine Drive. Commissioner O'Rourke asked how he arrived at the appraised value of E. Jasmine Drive. Mr. Brown explained that he used a few vacant parcels in Lake Park and extracted values from properties on Federal Highway. He explained that he also used vacant land values adjusting for size of parcels and locations. Mr. Brown explained that he did not have the appraisal in front of him and was recalling the information from memory. Commissioner O'Rourke asked if the formula used to arrive at the appraisal was by taking certain properties that had improvements on them and then deducting the value of the improvements by going to the Palm Beach County Property Appraiser and getting the tax value of the property. Mr. Brown stated that he used a percentage of the Property Appraisers assets value and then applied that percentage to the value estimates. Commissioner O'Rourke asked if the percentage Mr. Brown referred to the percentage that removed the improvements and left a vacant assets of the property. Mr. Brown explained that he used the percentages that assets towards the land. Commissioner O'Rourke asked if Mr. Brown then divided the square footage and applied that as the formula for appraising the property. Mr. Brown stated that he assumed that what Commissioner O'Rourke has stated as the formula was correct. He stated that he did not follow Commissioner O'Rourke's reasoning. Mr. Brown stated that he does appraisals by either square footage or by front footage bases.

Commissioner O'Rourke phrased his question differently and asked if Mr. Brown had used the Property Appraiser value for the land. Mr. Brown stated no. He explained that he used a percentage to other land the he extracted. A discussed ensued between Commissioner O'Rourke and Mr. Brown regarding the appraisal report Mr. Brown provided for E. Jasmine Drive. Mayor DuBois suggested that another appraisal be conducted on the property before this Ordinance was heard on second reading.

Commissioner O'Rourke asked if the displayed parking setback was changed from 30 feet to 25 feet. Community Development Director DiTommaso explained that the displayed parking setback was allowed to be reduced from 25 feet to 15 feet. She stated that there were certain waivers that were included as part of the plan. Commissioner O'Rourke asked if certain waivers were approved as part of the Planned Unit Development (PUD). Vice-Mayor Glas-Castro clarified that staff was of the opinion that the PUD waivers extend out to the new area without consideration from the Commission. Commissioner O'Rourke asked if the waivers would be consolidated into the PUD. Ms. Booth stated yes. She explained that the existing waivers would continue and the proposed waiver for the spacing of the trees on Federal Highway was for the display in visibility of the vehicles that are on display along Federal Highway. She explained that the proposed landscape exceeds the Town requirements. Commissioner O'Rourke asked for clarification regarding what was being proposed tonight and phase III of the project.

Attorney Baird explained that what the Commission would be taking action on this evening would be the three Ordinances. He explained that they would not be taking action on the site plan, which has been the focus of tonight's discussion. He stated that the site plan was dependent on all three Ordinances being adopted. If the three (3) Ordinances are adopted on second reading, then the site plan could be approved. He explained that within the site plan it contains three (3) phases. If the applicant makes any modifications to the site plan, the applicant would have to come back before the Commission to approve the modifications. Commissioner O'Rourke asked if the Commission wanted something different from what was currently being proposed in the site plan, when does the Commission have that opportunity. Attorney Baird stated that the Commission should hash what they want in the site plan now so that the applicant has an opportunity to determine if they want or could make the modifications proposed by the Commission.

Commissioner O'Rourke asked if the applicant had considered moving the phase III structure further west. Ms. Booth stated that moving the structure had been considered, but the landscape treatment has to be reduced around the building. She stated that they felt that the structure itself would help to separate the activities of the dealership from the residents on the East and South sides. She stated that the structure has been designed specifically to place it where it would get the maximum benefit from the 25-foot landscape buffer and provide the maximum screening and separation.

Town Manager D'Agostino asked for clarification regarding the estimation of revenue as a result of the project. He asked if phase III had been considered. Ms. Booth stated that phase III had been considered in the estimation of revenue that would be generated. Town Manager D'Agostino asked when did they estimate to have phase III built. Would it be in 2018 or 2019. Ms. Booth stated that they were not sure when phase III would be

built. She stated that they could come back with an amended assessment. She stated that the values that could be increased would be the land area because it would be taxable land; the improvements to the existing building; improvements to the lot with landscaping, but no structure would be built as part of phase I. Town Manager D'Agostino expressed concern with the estimation, which included phase III but would not be built for quite some time. He stated that he would like to see this project be successful for the applicant and the Town.

Commissioner Flaherty asked what the benefits would be to the dealership to have an exit on Lake Shore Drive. Ms. Booth explained that the curb radius has been modified to allow trucks to circulate within the property. There was no intension of allowing trucks to use Lake Shore Drive. Commissioner Flaherty asked if they wanted to close the access point from Lake Shore Drive. Ms. Booth explained that they would prefer to keep the access point open from Lake Shore Drive because there are other vehicles that would use the access point. Commissioner Flaherty asked for clarification regarding the timelines of phases I and II. Ms. Booth explained that the intension would be to begin construction as soon as possible especially since the temporary use extension on the lot would expires at the end of January 2016. She explained that they need to have enough of the construction completed in order to move the employees out of the temporary lot into the main building. She explained that they are committed to getting this project completed. Commissioner Flaherty asked how long would the construction take once they begin. Ms. Booth stated that her understanding was that once they begin construction that it would take about a year to complete phase I and phase II. She explained that the construction between phase II and phase III at this point was unknown. She explained that phase III would be built if needed, but if they do not succeed then phase III would not be built. Mr. John Glidden from Glidden Spina Architects further clarified the construction timeline. He stated that phase I was the structure to expand the existing building, which would take about a year. He stated that phase II was all interior construction, which could take six (6) months.

Commissioner O'Rourke asked for clarification regarding the lighting proposed on phase III that are 20-feet high and was concern with the lights shining near residents. Mr. Glidden explained that those light are on the existing building, all the lighting would be LED and are proposed to be pointing inward. He explained that they have also committed to tapering the lighting down after a certain hour, so that it would be used more as security lighting.

Mayor DuBois asked if the living walls would be Ivy. Ms. Booth explained that it would be Confederate Jasmine. She explained that it would grow on a mesh trellis that are attached to the wall, so it is off-set from the wall and grows in-between and around the wires and it does not actually attached itself to the wall. Mayor DuBois explained that many improvements have been made to the proposed phase III project. He stated that his impression was that phase III would be necessary, but not proposed to begin construction until 2021. He stated that by 2021 many modification could be made and the applicant might be dealing with many new circumstances. He asked about how much would phase I and II cost. Ms. Booth stated that it was estimated to cost about \$11 million. Mayor DuBois pointed out that many of the current noise issues from Federal Highway would be

eliminated if phase III were built. Mayor DuBois stated that he found the site plan to be complete.

PUBLIC HEARING(S) – ORDINANCE ON FIRST READING:

2. Ordinance No. 02-2015 to Abandon a 0.49-Acre Portion of the East Jasmine Drive Right-of-Way.

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, ABANDONING THAT 0.49 ACRE PORTION OF THE EAST JASMINE DRIVE RIGHT OF WAY LOCATED EAST OF FEDERAL HIGHWAY AND TERMINATING AT LAKESHORE DRIVE, DESCRIBED AS AVENUE "J", ACCORDING TO THE PLAT OF KELSEY CITY RECORDED IN PLAT BOOK 8, PAGES 15 AND 35; PROVIDING FOR THE RECORDING OF THE ORDINANCE IN THE PUBLIC RECORDS OF PALM BEACH COUNTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: Commissioner Flaherty moved to approve Ordinance 02-2015 on first reading including that a second appraisal be conducted on the property before second reading of the Ordinance; Commissioner Rapoza seconded the motion.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0

Attorney Baird read the Ordinance by title only.

3. Ordinance No. 06-2015 Future Land Use Map Amendment of a 0.49-Acre Portion of East Jasmine Drive from a Public Right-of-Way to the Assignment of a Commercial/ Residential Future Land Use Designation.

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, REZONING THAT 0.49 ACRE PORTION OF EAST JASMINE DRIVE EAST OF FEDERAL HIGHWAY AND THE PROPERTY AT 1017 FEDERAL HIGHWAY TO THE PLANNED UNIT DEVELOPMENT DISTRICT; PROVIDING FOR THE AMENDMENT OF SECTION 78-32 OF THE TOWN CODE TO REFLECT THE REZONING OF THESE PROPERTIES IN THE TOWN'S OFFICIAL ZONING MAP; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: Commissioner Flaherty moved to approve Ordinance 06-2015; Commissioner Rapoza seconded the motion.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0

Attorney Baird read the Ordinance by title only.

4. Ordinance No. 03-2015 to Rezone 1017 Federal Highway from Commercial-1 (C-1), to Planned Unit Development (PUD) and to assign a PUD Zoning District Designation to a 0.49-acre portion of East Jasmine Drive Right-of-Way.

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, REZONING THE PROPERTY AT 1017 FEDERAL HIGHWAY AND LEGALLY DESCRIBED IN THE ATTACHED EXHIBIT "A" TO THE PLANNED UNIT DEVELOPMENT DISTRICT PROVIDING FOR THE AMENDMENT OF SECTION 78-32 OF THE TOWN CODE TO INCORPORATE THE TOWN'S OFFICIAL ZONING MAP TO REFLECT THE ASSIGNMENT OF A PLANNED UNIT DEVELOPMENT DISTRICT TO THE PROPERTY AT 1017 FEDERAL HIGHWAY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: Commissioner Flaherty moved to approve Ordinance 03-2015; Commissioner Rapoza seconded the motion.

Commissioner O'Rourke asked for clarification regarding the connection of all the properties resulting in a single PUD. Mayor DuBois stated yes. Vice-Mayor Glas-Castro respectfully disagreed with staff's interpretation that the waivers could automatically extend without further analysis of the appropriateness of the waiver to that portion of the PUD. She was in favor of the overall PUD, but could not support the special exception in the site plan. She asked if she should share her comments about the special exception now. Attorney Baird asked if the comments were regarding Ordinance 03-2015 or Resolution 14-05-15, which is the site plan. Vice-Mayor Glas-Castro stated that they are not taking action on the Resolution tonight. Attorney Baird stated that Vice-Mayor Glas-Castro could share her comments regarding the Resolution so that the applicant and staff have some direction as to how they can address her comments. Commissioner O'Rourke stated that staff has already stated that the special exceptions would now apply the new PUD area, which he does not agree with. Attorney Baird explained that the special exceptions and the site plan are part of Resolution 14-05-15 and not part of Ordinance 03-2015. He explained that all Ordinance 03-2015 was doing was assigning PUD zoning to the 0.49-acre into the property at 1017 Federal Highway. Mayor DuBois clarified that it was a PUD zoning with an underlining Commercial 1 (C-1). Vice-Mayor Glas-Castro clarified that it included the waivers. Mayor DuBois stated that it could be negotiated in

the site plan. Attorney Baird reminded the Commission that they would also have second reading to discuss the items. Mayor DuBois stated that if they did nothing with the site plan then the waivers would continue, but the Commission has an option to address the site plan and the waivers after this item. Vice-Mayor Glas-Castro stated that she tried clarifying with staff earlier this week and that was not her understanding. Her understanding was that the waivers are with the PUD not with the site plan. Attorney Baird clarified that waivers are part of the PUD process and typically what happens in the PUD process was that a waiver would be requested and in exchange of that waiver they would provide a public benefit to the Town. He explained that in this case the waivers are merely an extension of the waivers that existed as part of the prior PUD approval. He stated that to his knowledge there are no additional public benefits offered. He explained that it would be appropriate for the Commission to debate at this time the benefits and exchange for the waivers to this Ordinance. Or the Commission could approve the Ordinance on first reading and put the applicant on notice that there was an expectation of something in addition to what has already been given in exchange for waivers because now they are asking to apply those waivers to other properties, including E. Jasmine Drive.

Vice-Mayor Glas-Castro expressed concern that the waivers had not been discussed at all and they have not been given the criteria to consider when considering a waivers or the additional land area and the Commission was just expected to grant the waivers if they apply the PUD to it. She expressed concern that they had a list of the waivers, but there was no backup information regarding the criteria to Section 78-77 on the benefits that were granted. Mayor DuBois asked if the Commission changes the waivers that the applicant received originally then they are going to need to plant the entire front. He reviewed some of the waivers that were granted. Attorney Baird clarified that the Vice-Mayor's point was that the Commission does not have the information in order to make decisions about whether the Commission wants to extend the waivers. He explained the Commissions options: if they were not going to take action on Ordinance 03-2015 tonight they would need to continue the item, which would throws the timing of these items off because they have already approved the previous two Ordinances on first reading. Mayor DuBois stated that if they were not prepared to discuss the waivers on first reading then the Commission would need to have a very detailed discussion when the Ordinance returns for second reading. Mayor DuBois suggested that the Commission consider adopting the Ordinance on first reading and discussing the item in more detail when the Ordinance is heard on second reading. The Commission reviewed all the waivers that are currently included in the Ordinance. Vice-Mayor Glas-Castro stated that she wanted additional things done to the ugly building being proposed, even if that meant considering plantings on the roof. The Commission discussed the waivers that are included in the PUD. Ms. Booth asked for clarification on the Commission's concerns so that they could review those concerns and see if there was a way to make modifications before second reading. Mayor DuBois explained that the Commission would like to review the original waivers on the original PUD and how those would be extended to the new plan and how they would impact the entire project. Ms. Booth agreed.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		

Commissioner O'Rourke		X	
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 4-1

Attorney Baird read the Ordinance by title only.

PUBLIC HEARING (S) – QUASI-JUDICIAL HEARING:

5. Resolution No. 14-05-15 Amending Resolution No. 14-05-03 - the Site Plan for the Earl Stewart Toyota Planned Unit Development (PUD) for the Expansion of the Dealership and with Special Exception Use of a Motor Vehicle Sales Establishment.

Ms. Booth asked how the continuation of the Resolution would impact the applicants timeline. Attorney Baird explained that the Commission could not take action on the Resolution this evening because the Ordinances effecting the Resolution were heard on first reading. Ms. Booth asked if the Resolution needed only one reading. Attorney Baird stated yes. Mayor DuBois asked when would the Ordinances be heard on second reading. Attorney Baird stated that he would not be attending the June 17, 2015 Regular Commission meeting and that Assistant Attorney Matt Ramenda would attend the meeting. Ms. Booth expressed concern that the delay would impact the time constraints on the temporary use. Mayor DuBois stated that the delay would impact the \$30,000 that the Town has in escrow. Commissioner O'Rourke suggested that the Commission could agree at this meeting that as long as the applicant continues to move forward with the project that they should not be penalized. Mayor DuBois agreed. Mr. Glidden stated that he was confident that they could address the issues at the next meeting and stay on track. Attorney Baird asked why the second reading was being pushed out to June 17th instead of the June 3rd meeting. Community Development Director DiTommaso explained that staff would not have ample time to receive a second appraisal before the agenda submittal deadline.

Motion: Commissioner Flaherty moved to continue Resolution 14-05-15 to the Regular Commission meeting of June 17, 2015; Commissioner Rapoza seconded the motion.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0

PUBLIC HEARING(S) – ORDINANCE ON SECOND READING:

None

TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:

Town Attorney Baird had no comments.

Town Manager D'Agostino announced that Prosperity Farms Road and 10th Street would be under a water line construction project beginning on May 26, 2015 and would continue for several weeks. Florida Power and Light suspended their work on 3rd Street until May 26, 2015. The Library would be starting their Summer Reading Program on June 9, 2015 and would continue until August 14, 2015. There would be an ice cream social on June 2, 2015 at 6:00 p.m. hosted by the Friends of the Library. The Sunset Celebration would be on May 29, 2015 at the Harbor Marina. He announced that the Library would be closed on Saturday, May 23, 2015 in observation of Memorial Day. The Library, Town Hall, and Public Works would be closed on Monday, May 25, 2015 in observation of Memorial Day. He announced that residential sanitation pickup would resume on Tuesday, May 26, 2015. He asked the Commission to review their calendars so that a Visioning Workshop could be held and suggested an evening other than a regular scheduled Commission meeting night. Mayor DuBois suggested that the regular Commission meeting agenda be lightened in order to accommodate a workshop on the same evening.

Commissioner O'Rourke had no comments.

Commissioner Rapoza had no comments.

Commissioner Flaherty had no comments.

Vice-Mayor Glas-Castro had no comments.

Mayor DuBois congratulated Vice-Mayor Glas-Castro on her re-appointment as the At-Large representative on the Palm Beach County League of Cities. He stated that on May 16, 2015 the Haitian Flag Day event was held. He announced that there would be a Memorial Day Celebration on Sunday, May 24, 2015 at 11:00 a.m. at Kelsey Park.

ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Flaherty and seconded by Commissioner Rapoza, and by unanimous vote, the meeting adjourned at 11:05 p.m.



Mayor James DuBois



Town Clerk, Vivian Mendez, CMC



Approved on this 3 of June, 2015



Town of Lake Park Town Commission

Agenda Request Form *Exhibit "A"*

Meeting Date: May 20, 2015

Agenda Item No.

Agenda Title: Appointment of a Representative to the Seacoast Utility Authority Board

- SPECIAL PRESENTATION/REPORTS
 - BOARD APPOINTMENT
 - PUBLIC HEARING
 - NEW BUSINESS - Resolution**
 - OTHER: _____
- CONSENT AGENDA
 - OLD BUSINESS
 - ORDINANCE ON FIRST READING

Approved by Town Manager *[Signature]* **Date:** *5-4-2015*

Vivian Mendez - Town Clerk
 Name/Title

Originating Department: Town Clerk	Costs: \$ 0.00 Funding Source: Acct. # <input type="checkbox"/> Finance _____	Attachments: Resolution 15-05-15 Interlocal Agreement
Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case <i>UM</i> Please initial one.

Summary Explanation/Background: The Town entered into an Interlocal Agreement with the Town of Juno Beach; the Village of North Palm Beach; Palm Beach County; the City of Palm Beach Gardens, and Seacoast Water Utility Authority and formed the Seacoast Utility Authority (SUA) Board in August 1988. As part of the Interlocal Agreement, each municipality appoints one (1) representative to the Board to serve a four (4) year term.

In an effort to provide for seamless continuity during the Town Manager, transition period. Mayor DuBois has served as the Town's representative on the SUA Board.

During the Special Call Commission Meeting of March 21, 2015 the Town Commission selected John O. D'Agostino as its new Town Manager, and at the Regular Commission meeting of April 1, 2015 the Commission approved his employment agreement.

Recommended Motion: I move to appoint John O. D'Agostino as the Town of Lake Park representative to the Seacoast Utilities Board.



Exhibit "B"

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: May 20, 2015

Agenda Item No.

Agenda Title: Award of the Marina Securities Services Contract (Unarmed)

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- PUBLIC HEARING ORDINANCE ON ____ READING
- NEW BUSINESS**
- OTHER: _____

- CONSENT AGENDA
- OLD BUSINESS

Approved by Town Manager: *[Signature]* Date: 5/14/2015
After Authority of the TM

Name/Title

<p>Originating Department:</p> <p>Town Manager</p>	<p>Costs: \$ 43,722.54</p> <p>Funding Source: Marina Fund</p> <p>Acct. # 800-34000</p> <p>[X] Finance <u><i>BKR</i></u></p>	<p>Attachments:</p> <p>Copy of Intent to Award and Bid Tabulation; Copy of Bid Submitted by U.S. Security Associates; copy of Invitation to Bid; and Contract</p>
<p>Advertised:</p> <p>Date: _____</p> <p>Paper: _____</p> <p>[x] Not Required</p>	<p>All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.</p>	<p>Yes I have notified everyone _____</p> <p>or</p> <p>Not applicable in this case: BMT</p> <p>Please initial one.</p>

Summary Explanation/Background:

On Sunday, April 5, 2015, the Town published its Invitation to Bid No. 101-2015 for the provision of Marina Security Services (Unarmed) at the Lake Park Harbor Marina. On April 21, 2015, a publicly noticed mandatory pre-bid conference was held. On April 28, 2015, the submittal deadline, the bids were opened.

The following vendors submitted bids:

- AK Security Services, LLC
- AGG of America LLC (dba Advanced National Security & Investigations)
- U.S. Security Care, Inc.
- Arrow Security Corp.
- Security Alliance LLC
- U.S. Security Associates, Inc.
- United K-9 Special Patrol, Inc.
- Regions Security Services, Inc.

Attached as is a copy of the Notice of Intent to Award which includes the Bid Tabulation.

Since this company was determined to be the lowest bidder, it was allowed (again pursuant to the Town's purchasing Ordinance) to cure the following three deficiencies by submitting the following documents to the Town Clerk by noon on March 13, 2015:

- Three most recent annual financial statements
- Certification of Non-Segregated Facilities; and
- Signed Addendum 1

An Evaluation Committee consisting of the Finance Director, Public Works Director, Human Resources Director and the Project Manager met to review the bids and determined that U.S. Security Associates, Inc. met the above deadline, and is the lowest, responsible and responsive bidder. A copy of the bid submitted by U.S. Security Associates, Inc., as well as the full Invitation to Bid No. 101-2015, are attached as back-up to this agenda item.

Based upon the review of the bid submitted by U.S. Security Associates, Inc., staff recommends award of the contract to this vendor. It should be noted that U.S. Security Associates, Inc. is the current vendor for the provision of unarmed security services at the Lake Park Harbor Marina and has extended its current contract to May 29, 2015.

Recommended Motion: I move that the Mayor be authorized and directed to execute the contract with U.S. Security Associates, Inc. for the provision of unarmed security services at the Lake Park Harbor Marina commencing May 30, 2015.



Town of Lake Park Town Commission

Agenda Request Form

Exhibit "C"

Meeting Date: May 20, 2015

Agenda Item No.

Agenda Title: ORDINANCE TO ABANDON A 0.49-ACRE PORTION OF THE EAST JASMINE DRIVE RIGHT-OF-WAY.

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- PUBLIC HEARING ORDINANCE ON 1st READING (*continued from April 1, 2015 meeting*)
- NEW BUSINESS
- OTHER
- CONSENT AGENDA
- OLD BUSINESS

Approved by Town Manager *Nadia Di Tommaso* Date: 5/13/2015
As the Authority by the TM

Nadia Di Tommaso / Community Development Director
 Name/Title

Originating Department: Community Development	Costs: \$ Application Fee & Certified Letter to Property Owners & Regular Mail Notice to Occupants (Ad will be placed prior to 2 nd reading) – signs also posted around the property. Funding Source: Applicant Acct. # 4771 <input type="checkbox"/> Finance _____	Attachments: → Ordinance 02-2015 → Town Engineer Response Letter → Town Attorney Legal Letter → Applicant's Application Packet (includes application form; justification statement; traffic analysis; utility company letters) → Appraiser Email and Appraisal → Copy of Certified Letter; Regular Mail Notice and Sign Postings
Advertised: Date: <i>N/A by code on 1st reading</i> Paper: <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone <u>ND</u> OR Not applicable in this case _____ Please initial one.

Summary Explanation/Background:

STAFF REPORT

SEQUENCE OF APPLICATIONS RELATED TO THE EARL STEWART TOYOTA PROPOSED PLANNED UNIT DEVELOPMENT (PUD) EXPANSION:

- (1) Abandonment Application for a 0.49-acre portion of East Jasmine Drive
- (2) Future Land Use Map Amendment for a 0.49-acre portion of East Jasmine Drive from a public Right-of-Way to a Commercial/Residential land use designation
- (3) Rezoning of a 0.49-acre portion of East Jasmine Drive from a public right-of-way to a PUD and the Rezoning of 1017 Federal Highway from Commercial-1 (C-1) to PUD
- (4) Site Plan application for the expansion of the existing dealership and the special exception use of a vehicles sales establishment.

The above applications will be presented as a "package" however, they will require separate motions in the order listed above—All resident letters received have been included with the Site Plan item

The Town of Lake Park is the fee simple owner ("Owner") of approximately 0.49 acres of the public right-of-way known as East Jasmine Drive ("Subject Property"), which is generally located between North Federal Highway and Lakeshore Drive, within the municipal boundaries of the Town of Lake Park ("Town"). The Subject Property's legal description and its general location is identified in Exhibit A of the proposed Ordinance 02-2015, which is attached hereto. The Subject Property is listed as a "Roadway" for the purposes of the Town's Comprehensive Plan.

The Town received a request from Earl Stewart, LLC and Commercial Investments, LLC to purchase the subject site. Part of the abandonment application involves getting an appraisal, at the expense of the Applicant, for the roadway. The Town retained an appraisal company that valued the roadway at \$300,000 using certain sale comparables that have been guaranteed by the Appraiser as being suitable comparables (follow-up email between staff and the Appraiser is enclosed). The abandonment application (the "Application") was submitted by Mr. Brad Jankowski, P.A. attorney and agent for Earl Stewart, LLC and Commercial Investments, LLC ("Applicant"), requesting that the Town of Lake Park abandon East Jasmine Drive between North Federal Highway and Lakeshore Drive at a sale price of \$300,000, as appraised and required by Town Code. With this abandonment, the Applicant proposes to expand the boundaries of the existing Earl Stewart Toyota Planned Unit Development (PUD) to include an additional sales car showroom with display spaces; additional interior service bays; administrative offices; an enclosed car wash location; as well as a 4 story parking garage structure for additional display spaces and additional landscaping around the entire property. The Master PUD Site Plan approval is contingent on the approval of this abandonment.

Town staff reviewed the Application, and determined that the proposed abandonment is for the most part, consistent with the Town's Code of Ordinances dealing with the abandonment of rights-of way in Chapter 72 of the Town Code. Please refer to the Applicant's Justification Statement.

It has been determined that the right-of-way is no longer required for the public use and convenience specifically due to the evidence provided by the Applicant's traffic engineer and verified by the Town's traffic engineering consultant. Given that the roadway currently serves to separate two separate areas that are functioning as vehicle sales establishments, both operated by Earl Stewart Toyota/Commercial Investments (the "Applicant"), the roadway is primarily being used by the operator of the dealership. Transferring its ownership would also eliminate the Town's responsibilities in maintaining the roadway. In essence, this roadway does not eliminate roadway access to any of the surrounding parcels and therefore it is not anticipated that it will negatively affect their property values based on this factor. More specifically, a traffic analysis rendered by Yvonne Ziel Traffic Consultants (which also references a previous analysis performed by Pinder Troutman Consulting, Inc.) concluded that the closure of East Jasmine Drive between North Federal Highway and Lakeshore Drive will not result in a deterioration of the operations on the adjacent East Ilex Drive.

Some of the public benefits with this abandonment which is needed pursuant to the proposal to expand the boundaries of the Earl Stewart Toyota PUD include:

- (1) Furthers the aesthetics of the Subject Property by providing additional landscaping around the property and specifically on those sides adjacent to residential communities. The result will further insulate the residents living along Lake Shore Drive from the commercial uses, noise, and traffic along North Federal Highway, without limiting their access from Palmetto Road and East Ilex Drive.
- (2) Large commercial carriers would no longer be allowed to use Lake Shore Drive to enter or exit the dealership through conditions of approval on the site plan application, further minimizing commercial impacts along the residential corridor. By combining the lots, the number of access points into the dealership would also be minimized.

- (3) While financial considerations should not be the basis of a public benefit justification, this expansion will foster the redevelopment of an area that is being underutilized and will inherently increase the Town's tax base which is an objective of the Town's Comprehensive Plan and which is a step forward in trying to create a sustainable economic base for the Town for the future.
- (4) As part of the overall proposal, the Applicant proposed to add additional bench seating around the perimeter of the site to promote the area's recreation and public use as well proposes a bus stop shelter for the community on the corner of Federal Highway and Palmetto Road.
- (5) The Applicant proposes to pursue Leadership in Energy and Environmental Design (LEED) certification in their redevelopment efforts in an attempt to promote green initiatives and sustainability and have it serve as the Town 's second LEED certified showcase building in the community (first was Kohl's on Congress Avenue).
- (6) The Town's contracted Engineer also confirms: "With the abandonment of Jasmine Drive right-of-way into the projected area, the stormwater runoff from the Jasmine Drive right-of-way will be incorporated into the onsite exfiltration trench system and will undergo water quality treatment prior to discharge resulting in a net improvement in water quality".

For those reasons listed above, the abandonment request (which is part of the overall site plan application request for the expansion of the dealership) is consistent with the Town's Comprehensive Plan and furthers the health, safety and welfare of the Town's residents. In addition, Policy 1.8 of the Town's Comprehensive Plan states that new development shall be permitted only when central water and wastewater systems are available or will be provided concurrent with the impacts of development. The proposed abandonment with the proposed development plan will not deviate from this requirement. The property is already developed with commercial uses, it is not anticipated that there will be any impacts on the existing water and sewer system.

Written confirmation from all public utility companies confirming that the proposed abandonment would not adversely affect the individual utilities have been received and these include, Comcast, American Telephone and Telegraph (AT&T), Seacoast Utility Authority, Florida Public Utilities (FPU), and Florida Power and Light (FPL). AT&T has included a requirement which is listed as condition of approval #6 below and FPL has also included a requirement listed as condition of approval #7 below (also included in the proposed Ordinance).

NOTICING REQUIREMENTS:

The proposed abandonment requires a public hearing and notice of the abandonment Ordinance to be published in a newspaper of general paid circulation in the Town and of general readership in the Town, 10 days prior to the adoption hearing. This notice will be placed in Palm Beach Post on or before June 7, 2015. Additionally, in follow-up to the concerns expressed at the April 1, 2015 Town Commission meeting, Town Code Section 72-5 is further described as the following:

Town Code Section 72-5. - Application for abandonment.

- (5) The names and addresses of the owners, businesses or occupants of real property bounding and abutting the street, alley, or easement sought to be abandoned, AND the property owners located within 250 feet thereof.

The Town had already satisfied the requirement of the Code prior to the Town Commission meeting of April 1. The code provision (above) is separated in two parts in order to provide some clarification. The first part, highlighted in green, requires a paper list of those *owners, businesses or occupants bounding or abutting the street to be abandoned.* The area sought to be abandoned is East Jasmine Drive, and the only two properties bounding or abutting East Jasmine Drive is the applicant themselves, Earl Stewart LLC and Commercial Investments LLC therefore, no additional

parties are required to be on this list.

Secondly, the part highlighted in **blue** requires a paper list of property owners located within 250 feet. Actually, the Applicant had exceeded this requirement and provided a list of property owners within 300 feet and even though the Code does not require a certified notice to all these property owners, one was sent out prior to the Town Commission meeting of April 1, 2015.

Consequently, the applicant actually exceeded the Code requirement for notification prior to the Town Commission meeting of April 1, 2015. In addition, because there were several concerns expressed on the actual occupants of some the units that are being leased within the neighboring residential communities, following the April 1 meeting, staff asked the applicant to also send regular mail notices to all the occupants of Bay Reach; Marina Key and Cedar Crest, whether they are owner-occupied or renter-occupied. Since this was dependent on the receipt of a list of occupants by the individual residential properties, only Marina Key and Cedar Crest received these additional (regular mail) courtesy notices because the Bay Rach Condo Association opted out and did not provide a list of occupants to the Town. Again, this is not a Code requirement per the above Town Code Section 72-5(5), but rather something that was done as a courtesy based on the concerns that were expressed at the Town Commission meeting of April 1, 2015.

A copy of the Town's Engineer letter and Town Attorney Memo are also included with this agenda item. In addition to the information provided herein, the Town Commission must determine whether abandoning the right-of-way, with fair compensation, is to the benefit of the community as a whole based on the Applicant's application and both justifications provided by the Applicant and by Staff. The Town Commission may recommend additional conditions as appropriate for the requested abandonment.

Town staff recommends that the Town Commission recommend **APPROVAL** for the abandonment request of a 0.49-acre portion of East Jasmine Drive between North Federal Highway and Lakeshore Drive, subject to the following conditions:

- (1) The Applicant shall pay to the Town the appraised value of the Subject Property within 90 days of the effective date of this Ordinance. Within five business days of the Applicant's payment to the Town for the Property, the Applicant shall cause to be removed the traffic signs along East Jasmine and Lakeshore Drive, and return these signs to the Town's Department of Public Works.
- (2) The Applicant shall be responsible for the cost of the reconstruction of the east and west sides of the Property adjacent to Lakeshore Drive and North Federal Highway.
- (3) The drainage design for the Subject Property shall be consistent with the future reconstruction plans for Lakeshore Drive.
- (4) Prior to initiating development of the Subject Property, the Applicant shall submit a copy of all permits from all appropriate permitting authorities to the Community Development Department.
- (5) This abandonment is contingent upon the approval of a site plan and the rezoning and amendment of the land use map.
- (6) The Applicant shall provide AT&T with a utility easement. AT&T requires a utility easement in lieu of the R/W occupancy to maintain the facilities as well as 2-4" PVC conduits crossing the property within the utility easement. These conduits would allow AT&T to place cables through the property without interfering with the business and the Applicant is solely responsible for providing this easement and all its appurtenances and associated costs.
- (7) The Applicant shall be responsible for the costs of the removal of the FPL street lights, poles within, or adjacent to the Subject Property.

Recommended Motion: I MOVE TO APPROVE ORDINANCE __-2015 on 1st READING.



Town of Lake Park Town Commission

Agenda Request Form Exhibit "D"

Meeting Date: May 20, 2015

Agenda Item No.

Agenda Title: ORDINANCE FOR THE FUTURE LAND USE MAP AMENDMENT OF A 0.49-ACRE PORTION OF EAST JASMINE DRIVE FROM A PUBLIC RIGHT-OF-WAY TO THE ASSIGNMENT OF A COMMERCIAL/RESIDENTIAL FUTURE LAND USE DESIGNATION.

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- PUBLIC HEARING – QUASI-JUDICIAL - ORDINANCE ON 1st READING
- NEW BUSINESS
- OTHER
- CONSENT AGENDA
- OLD BUSINESS

Approved by Town Manager *Nadia Di Tommaso* Date: 5/13/2015
As accepted by the TM

Nadia Di Tommaso / Community Development Director
 Name/Title *ND*

Originating Department: Community Development	Costs: \$ Application Fee and Ad will be placed prior to 2 nd reading - signs also posted around the property for the overall development proposal. (LPA meeting previously advertised) Funding Source: Applicant Acct. # 4771 <input type="checkbox"/> Finance _____	Attachments: → Ordinance 06-2015 → Applicant Application → Copy of Intergovernmental Plan Amendment Review Notice and Sign Postings
Advertised: Date: <i>N/A on 1st reading</i> Paper: <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone __ <i>ND</i> or Not applicable in this case ____ Please initial one.

Summary Explanation/Background:

STAFF REPORT

SEQUENCE OF APPLICATIONS RELATED TO THE EARL STEWART TOYOTA PROPOSED PLANNED UNIT DEVELOPMENT (PUD) EXPANSION:

- (1) Abandonment Application for a 0.49-acre portion of East Jasmine Drive
- (2) Future Land Use Map Amendment for a 0.49-acre portion of East Jasmine Drive from a public Right-of-Way to a Commercial/Residential land use designation
- (3) Rezoning of a 0.49-acre portion of East Jasmine Drive from a public right-of-way to a PUD and the Rezoning of 1017 Federal Highway from Commercial-1 (C-1) to PUD
- (4) Site Plan application for the expansion of the existing dealership and the special exception use of a vehicles sales establishment.

The above applications will be presented as a "package" however, they will require separate motions in the order listed above—All resident letters received have been included with the Site Plan item

On February 2, 2015 and March 2, 2015, the Local Planning Agency members, sitting as the Planning & Zoning Board, considered several applications by Earl Stewart LLC and Commercial Investments LLC (the Applicant) related to the expansion of their existing dealership. These applications included a site plan and special exception use proposal to expand the dealership onto the East Jasmine Drive right-of-way and the 1017 Federal Highway lot, along with a rezoning application for both these areas to a Planned Unit Development (PUD), contingent upon the approval by the Town Commission of both the site plan application and the right-of-way abandonment application for East Jasmine Drive. These applications continued on to the April 1, 2015 Town Commission meeting. At this meeting, the Town Commission expressed their interest in having staff bring back all procedural items related to the proposed expansion as a "package". In other words, it was proposed that the:

- (5) Abandonment Application for a 0.49-acre portion of East Jasmine Drive; *and the*
- (6) Future Land Use Map Amendment for a 0.49-acre portion of East Jasmine Drive from a public Right-of-Way to a Commercial/Residential land use designation; *and the*
- (7) Rezoning of a 0.49-acre portion of East Jasmine Drive from a public right-of-way to a PUD and the Rezoning of 1017 Federal Highway from Commercial-1 (C-1) to PUD; *and the*
- (8) Site Plan application for the expansion of the existing dealership and the special exception use of a vehicles sales establishment.

...**ALL** be presented at the same time before the Town Commission on May 20, 2015. In order to accomplish item #4 above, consideration by the Local Planning Agency was first required:

LOCAL PLANNING AGENCY RECOMMENDATION: The Local Planning Agency considered this application at their May 4, 2015 meeting. The overall sequence of the Earl Stewart Toyota PUD applications was discussed and has been provided above. Understanding that this land use map amendment is contingent upon the approval of the abandonment of the right-of-way, the Local Planning Agency recommended approval (3-1) to the Town Commission.

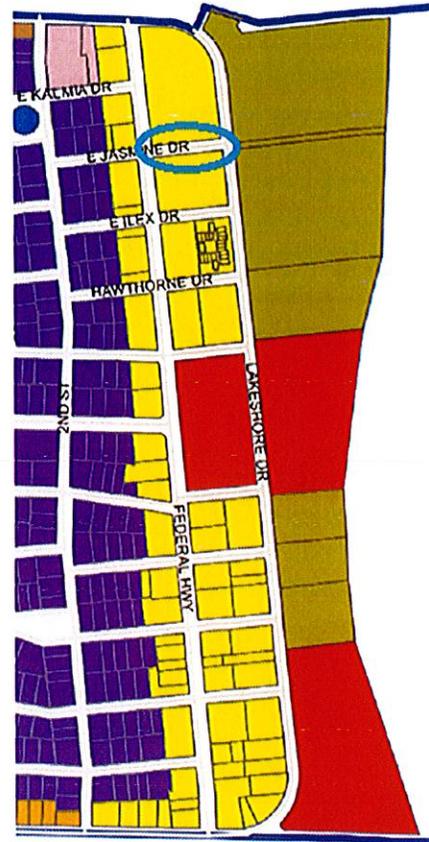
The Applicant is proposing a future land use map amendment for the designation of a Commercial/Residential land use designation to the existing East Jasmine Drive public right-of-way. This proposal is contingent upon the approval of the abandonment of the right-of-way and the site plan which proposes to expand the boundaries of the PUD.



EXISTING FUTURE LAND USE MAP

Legend

- | | |
|--|--|
|  Bioscience_2 |  Downtown |
|  Conservation |  Comm_Lt_Industrial |
|  Annexation |  Comm_Residential |
|  Condo_density |  Lake_Park_Boundary |
|  Resi_Low_Density |  Pub_Bldg_Grounds |
|  Resi_medium |  Rec_Lands |
|  Single_Fam |  Other_Pub_Facilities |



Since this request is contingent on the site plan approval for the PUD and the abandonment application for East Jasmine Drive, staff recommends APPROVAL of the small-scale land use map amendment, which would be required as a procedural matter contingent upon the above-referenced approvals. A copy of the Intergovernmental Plan Amendment Review Notice is enclosed with this agenda item. A Notice in the Palm Beach Post is required 10 days prior to the adoption hearing which is tentatively scheduled for June 17, 2015.

According to the Future Land Use Element in the Town's Comprehensive Plan, areas designated as "Commercial/Residential" are:

"(3.4.3 Future Land Use Classification System)

Lands and structures devoted to promoting a compatible mix of residential at up to 20 units per gross acre and commercial uses with a maximum F.A.R. of 2.4 along major thoroughfares. Public schools are a permitted use within this land use designation. Residential uses shall comprise no less than 20 percent, or no more than 80 percent, of the floor area of any vertical mixed use building, and no less than 20 percent and no more than 80 percent of the buildings on a development site or block face.

*Policy 9.3: A commercial only mixed use project shall **only** be approved through a PUD process as defined and regulated in the zoning code."*

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the future land use map amendment for a 0.49 acre portion of East Jasmine Drive for a future land use map designation of Commercial/Residential to the existing public right-of-way.



Town of Lake Park Town Commission

Agenda Request Form

Exhibit "E"

Meeting Date: May 20, 2015

Agenda Item No.

Agenda Title: ORDINANCE TO REZONE 1017 FEDERAL HIGHWAY FROM COMMERCIAL-1 (C-1), TO PLANNED UNIT DEVELOPMENT (PUD) AND TO ASSIGN A PUD ZONING DISTRICT DESIGNATION TO A 0.49-ACRE PORTION OF THE EAST JASMINE DRIVE RIGHT-OF-WAY.

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- PUBLIC HEARING – QUASI-JUDICIAL - ORDINANCE ON 1st READING
(continued from April 1, 2015 meeting)
- NEW BUSINESS
- OTHER
- CONSENT AGENDA
- OLD BUSINESS

Approved by Town Manager: *Nadia Di Tommaso* Date: *5/12/2015*

Nadia Di Tommaso / Community Development Director
Name/Title

Originating Department: Community Development	Costs: \$ Application Fee and Ad will be placed prior to 2 nd reading - signs also posted around the property. Funding Source: Applicant Acct. # 4771 <input type="checkbox"/> Finance _____	Attachments: → Ordinance 03-2015 → Applicant Application → Regular Mail Notice and Sign Postings
Advertised: Date: <i>N/A on 1st reading</i> Paper: <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone <u>ND</u> or Not applicable in this case _____ Please initial one.

Summary Explanation/Background:

STAFF REPORT

SEQUENCE OF APPLICATIONS RELATED TO THE EARL STEWART TOYOTA PROPOSED PLANNED UNIT DEVELOPMENT (PUD) EXPANSION:

- (1) Abandonment Application for a 0.49-acre portion of East Jasmine Drive
- (2) Future Land Use Map Amendment for a 0.49-acre portion of East Jasmine Drive from a public Right-of-Way to a Commercial/Residential land use designation
- (3) Rezoning of a 0.49-acre portion of East Jasmine Drive from a public right-of-way to a PUD and the Rezoning of 1017 Federal Highway from Commercial-1 (C-1) to PUD
- (4) Site Plan application for the expansion of the existing dealership and the special exception use of a vehicles sales establishment.

The above applications will be presented as a "package" however, they will require separate motions in the order listed above—All resident letters received have been included with the Site Plan item

OVERALL PROPOSAL: Urban Design Kilday Studios (“Applicant”) as the authorized agent for Stewart Toyota LLC and Commercial Investments LLC (together referred to herein as “Owner”) is proposing to expand the dealership onto the 0.49-acre portion of East Jasmine Drive and the 1017 Federal Highway property. The dealership currently operates out of 1215 Federal Highway, which is owned by Earl Stewart, LLC and 1017 Federal Highway (the former Journey’s Inn/Colonial restaurant property), owned by Commercial Investments, LLC for the storage and display of vehicles.

APPLICATION FOR REZONING

The Application to expand the PUD boundaries to include the property at 1017 Federal Highway and the East Jasmine Drive right of way requires the rezoning of these two properties: (1) the rezoning of 1017 Federal highway from Commercial-1 (C-1) to a Planned Unit Development (PUD) District, and (2) the assignment of a Planned Unit Development District to the 0.49-acre portion of East Jasmine Drive.

Consistency with Town Zoning Code:

As part of the proposed development for the site, the Applicant has applied to rezone the right-of-way and the parcel immediately south of the right of way, which has an address of 1017 Federal Highway. The rezoning is necessary in order to incorporate this overall area into the PUD zoning district designation which has already been assigned to the Earl Stewart Toyota property located at 1215 Federal Highway. Additionally, this rezoning includes a separate Master Site Plan application whereby the Applicant proposes a 3-Phase development plan which is a requirement of the PUD and will be considered as a separate agenda item for approval.

Consistency with the Town’s Comprehensive Plan:

1017 Federal Highway has a future land use designation of Commercial/Residential which allows for commercial-only PUD developments without a residential component. The proposed expansion of the vehicle sales dealership with a PUD designation is consistent with this future land use designation. The 0.49-acre portion of East Jasmine is also being considered for a future land use map designation of Commercial/Residential and this rezoning is contingent upon the approval of this land use assignment.

Figure 1: Aerial View of Existing Site
(image not to scale; for visual purposes only)

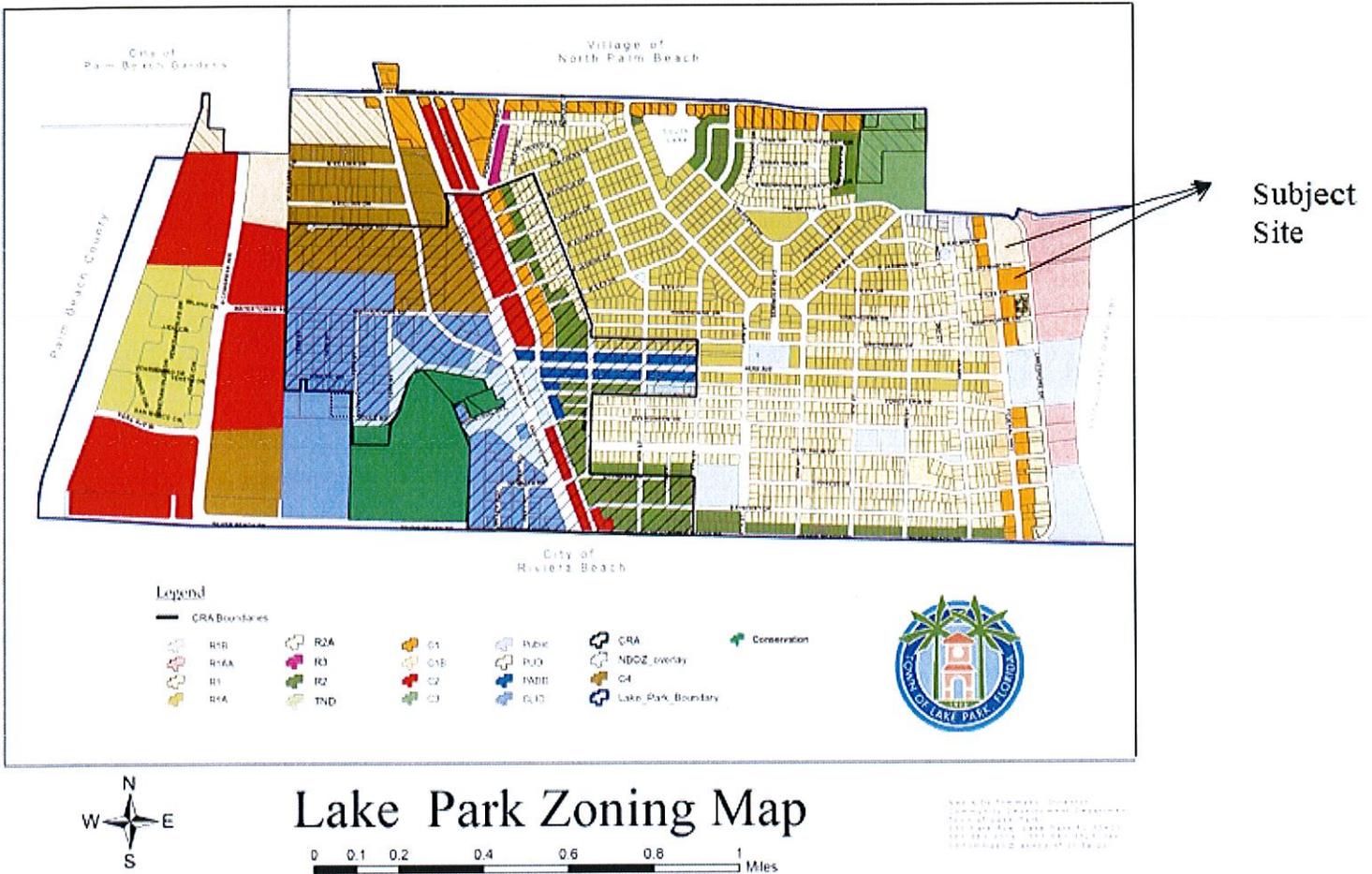


Figure 2: Aerial Image of Site with Proposed Boundaries



The East Jasmine Drive right-of-way is being considered separately for abandonment approval. If approved by the Town Commission, a future land use map amendment and rezoning of this area is required.

LAKE PARK ZONING MAP



Adjacent Zoning 1215 AND 1017 Federal Highway:

North: Village of North Palm Beach
 South: Commercial 1 (C-1) Business District/Residential-2A
 East: Residential 1AA
 West: Commercial 1 (C-1)/Commercial 1B Business District

Existing Zoning:

1215 Federal Highway: Planned Unit Development (PUD) with underlying Commercial-1 Business District (C-1)

1017 Federal Highway: Commercial-1 Business District (C-1)

PLANNING & ZONING BOARD considered this application at their February 2, 2015 and March 2, 2015 meetings. The items was continued on February 2, 2015 and recommended for APPROVAL (3-1) to the Town Commission on March 2, 2015. Excerpts of the minutes from these meetings are included with the Site Plan agenda item.

Recommended Motion: I MOVE TO APPROVE ORDINANCE 03-2015 on 1st READING WITH THE CONDITION OF APPROVAL AS LISTED IN THE PROPOSED ORDINANCE.



Town of Lake Park Town Commission

Agenda Request Form *Exhibit "F"*

Meeting Date: May 20, 2015

Agenda Item No.

Agenda Title: A RESOLUTION AMENDING RESOLUTION 14-05-03 – THE SITE PLAN FOR THE EARL STEWART TOYOTA PLANNED UNIT DEVELOPMENT (PUD) FOR THE EXPANSION OF THE DEALERSHIP AND THE SPECIAL EXCEPTION USE OF A MOTOR VEHICLE SALES ESTABLISHMENT.

(ON THIS AGENDA FOR PRESENTATION/DISCUSSION PURPOSES ONLY BECAUSE THE REZONING PUD ORDINANCE RELIES UPON THE PRESENTATION OF THE RESOLUTION FOR THE SITE PLAN – NO OFFICIAL ACTION ON THE SITE PLAN IS REQUIRED UNTIL THE JUNE 17 TOWN COMMISSION MEETING WHEN THE ASSOCIATED ORDINANCES ON 2ND READING WILL BE CONSIDERED FOR ADOPTION)

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- PUBLIC HEARING
- NEW BUSINESS – QUASI-JUDICIAL - RESOLUTION
- OTHER
- CONSENT AGENDA
- OLD BUSINESS
- ORDINANCE ON __ READING

Approved by Town Manager *[Signature]* Date: *5/13/2015*
 Nadia Di Tommaso / Community Development Director *[Signature]*

Originating Department: Community Development	Costs: \$ Application Fee and Certified Letter to Property Owners & Regular Mail Notice to Occupants (A new Ad will be placed prior to June 17 meeting) – signs also posted around the property. Funding Source: Applicant Acct. # 4771 <input type="checkbox"/> Finance _____	Attachments: → Staff Report → Applicant Justification Narrative → Resolution 14 -05-15 → Resolution 14-05-03 → Applicant's Application → Copy of Certified Letter; Regular Mail Notice; Sign Postings → Resident Letters → P&Z Board Minutes 02/02/15 & 03/02/15 <u>**site plan package available in the DropBox**</u>
Advertised: Date: <i>N/A at this stage</i> Paper: <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone __ <i>ND</i> or Not applicable in this case ____ Please initial one.

Summary Explanation/Background:

PLEASE REFER TO THE ENCLOSED STAFF REPORT

SEQUENCE OF APPLICATIONS RELATED TO THE EARL STEWART TOYOTA PROPOSED PLANNED UNIT DEVELOPMENT (PUD) EXPANSION:

- (1) Abandonment Application for a 0.49-acre portion of East Jasmine Drive
- (2) Future Land Use Map Amendment for a 0.49-acre portion of East Jasmine Drive from a public Right-of-Way to a Commercial/Residential land use designation
- (3) Rezoning of a 0.49-acre portion of East Jasmine Drive from a public right-of-way to a PUD and the Rezoning of 1017 Federal Highway from Commercial-1 (C-1) to PUD
- (4) Site Plan application for the expansion of the existing dealership and the special exception use of a vehicles sales establishment.

The above applications will be presented as a "package" however, they will require separate motions in the order listed above—All resident letters received have been included with the Site Plan item

Recommended Motion: For Presentation-purposes only -- will require an official motion on June 17, 2015

Exhibit "G"

EARL STEWART TOYOTA OF LAKE PARK

Lake Park Town Commission

May 20, 2015

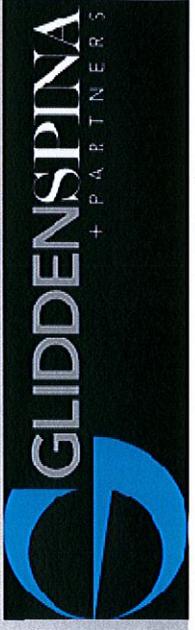
Earl Stewart Toyota 



Site

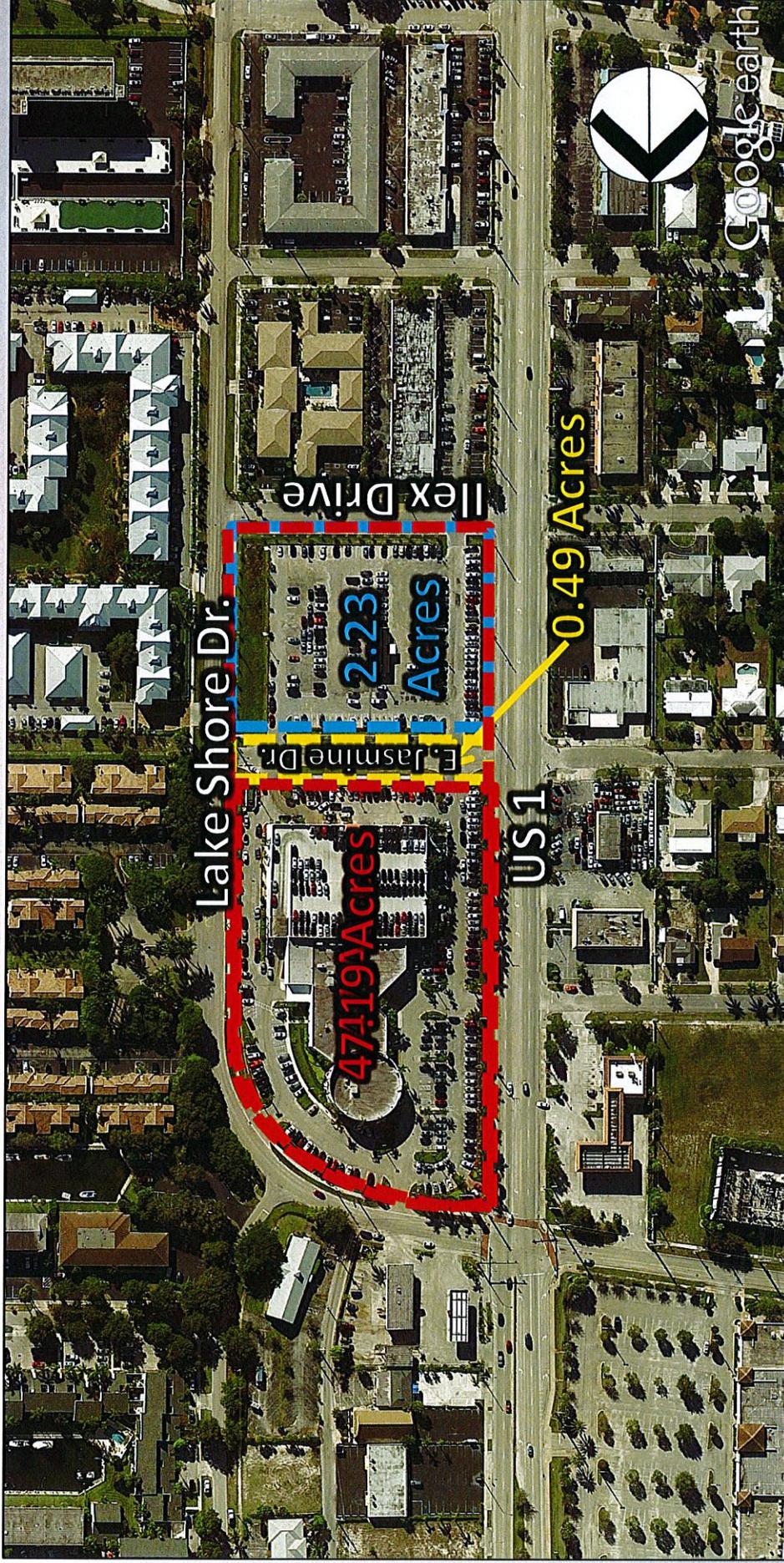


Earl Stewart Toyota 

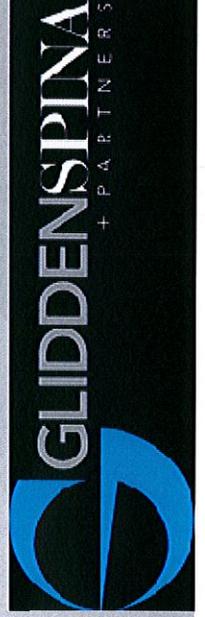


urban design kilday STUDIOS

Acreage Breakdown



Earl Stewart Toyota 

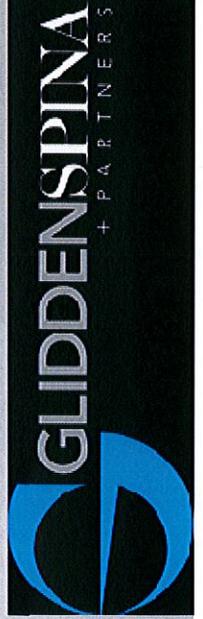


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STUDIOS

1953 Aerial



Earl Stewart Toyota 



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STUDIOS

1965

- ▣ Auto dealership is established on property
- ▣ ESTOY established in 1975

Earl Stewart Toyota 



1968 Aerial



Earl Stewart Toyota 



Requests

- ▣ Ord. 02-2015 – Abandonment of .49 acre portion of Jasmine Drive
- ▣ Ord. 06-2015 - Small Scale Future Land Use Map Amendment for Jasmine Drive – Commercial/Residential
- ▣ Ord. 03-2015 – Rezoning 1017 Federal Highway from C-1 to PUD and Assign PUD designation to abandoned ROW
- ▣ Res. 14-05-15 – Amending Res 14-05-03 Site Plan Approval, and Special Exception for Motor Vehicle Sales Establishment

Earl Stewart Toyota 



Right-of-Way Abandonment

- ▣ Ord. 02-2015 – Abandonment of .49 acre portion of Jasmine Drive
- ▣ Previously abandoned on August 4, 2004 (Resolution No. 43-07-04)
- ▣ ROW not required for public use as alternate ROW is existing
- ▣ Allows cohesive development of existing development on either side of the street

Earl Stewart Toyota 

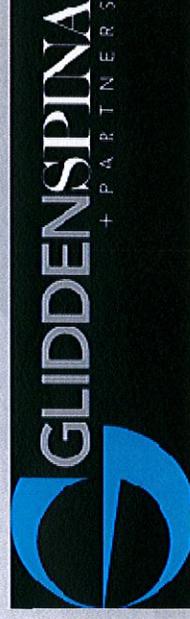


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STUDIOS

Right-of-Way Abandonment

- ▣ Public Benefits include:
- ▣ Elimination of Town obligations for maintenance
- ▣ Improvements to drainage issues on Lake Shore Drive
- ▣ Increases Taxable Revenue to Town (Land Area and Improvements)
- ▣ Eliminates use of Lake Shore Drive by car transport trucks
- ▣ Reduces access points on Lake Shore Drive
- ▣ Allows extension of parkway along E. Ilex Drive
- ▣ Allows Bus Shelter
- ▣ Applicant will pay appraised value (\$300,000) based on Town appraisal

Earl Stewart Toyota 



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STUDIOS

Right-of-Way Abandonment

- ▣ Improves utility systems for residents and business on US1
- ▣ Improves Public Safety
- ▣ Improvements will allow for:
 - new jobs
 - LEED Certification
 - Enclosure of existing operations
 - Esthetic improvements to include architectural and landscaping

Earl Stewart Toyota 



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STUDIOS

Impacts to Surrounding Properties

- ▣ Traffic
 - **Average Daily Trips**
 - ▣ East Jasmine Drive = 540 ADT's
 - ▣ Ilex Drive (current) = 225 ADT's
 - ▣ Ilex Drive (proposed) = 540 + 225 = 765 ADT's
 - **Adopted LOS D for Ilex Drive = 12,300 ADT's**
- ▣ Land Values
 - ▣ Current valuation is \$8 million = \$234,984 in annual taxes
 - ▣ Approximately \$20 million in new vertical construction = \$315,000 in additional annual taxes
 - ▣ Total = \$550,000 in annual taxes
- ▣ Public Utilities
 - **Improvements to drainage and public utilities**

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STUDIOS

FLUP Amendment Request

- ▣ Small Scale Future Land Use Map Amendment for Jasmine Drive - .49 acre
 - Request: “Residential and Commercial Future Land Use Designation
 - Consistent with requested Commercial Zoning /PUD
 - Procedurally the Town Commission requested all zoning actions to be presented as one package at the next Town Commission meeting
 - Approval of Land Use Map Amendment is contingent upon approval of all other applications in process

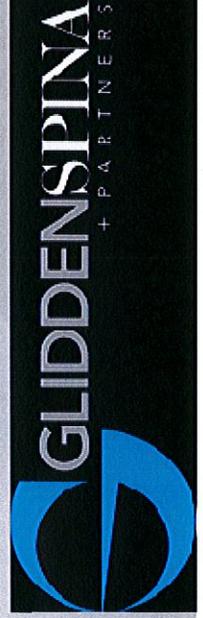
Earl Stewart Toyota 



Jasmine Drive Right-of-Way



Earl Stewart Toyota 

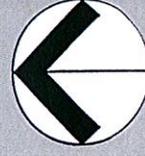
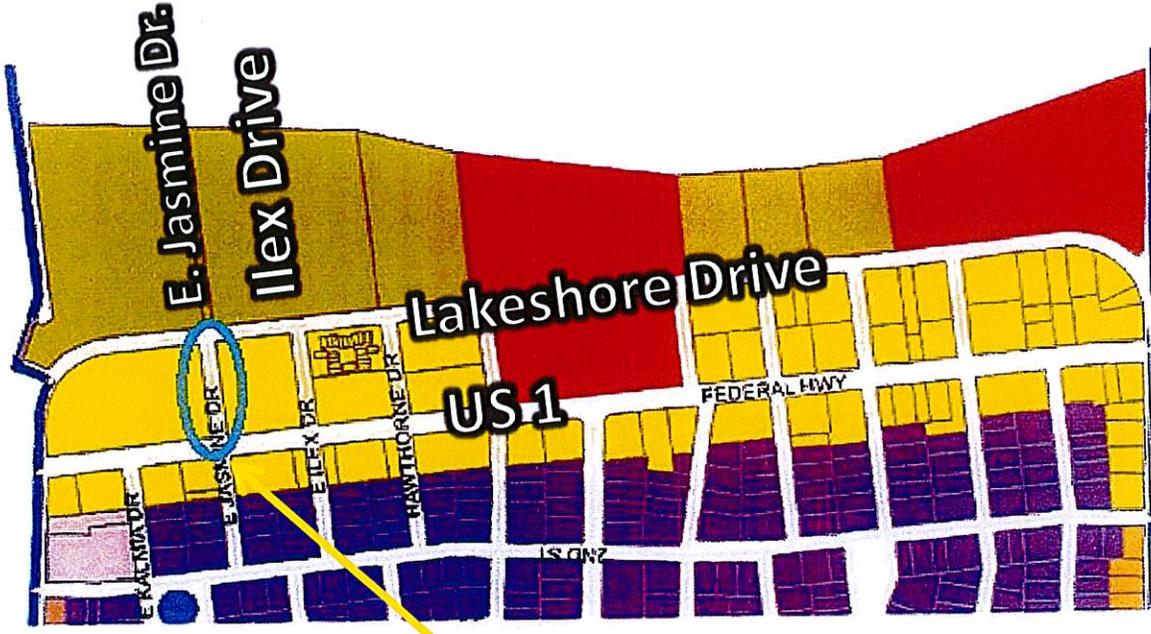


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STUDIOS

Consistent with Surrounding Properties

Legend

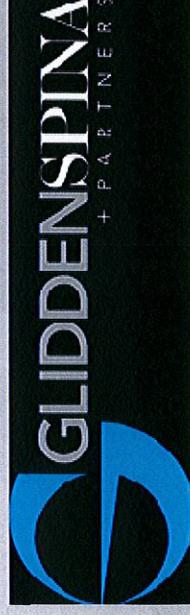
-  Bioscience_2
-  Conservation
-  Annexation
-  Condo_density
-  Resi_Low_Density
-  Resi_medium
-  Single_Fam
-  Downtown
-  Comm_Lt_Industrial
-  Comm_Residential
-  Commercial
-  Lake_Park_Boundary
-  Pub_Bldg_Grounds
-  Rec_Lands
-  Other_Pub_Facilities



Rezoning Request

- ▣ Ord. 03-2015 – Rezoning 1017 Federal Highway from C-1 to PUD and Assign PUD designation to abandoned ROW
 - Boundaries of PUD to be expanded to include 1017 and Jasmine ROW
 - Requested zoning is consistent with FLUP and adjacent zoning

Earl Stewart Toyota 



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STUDIOS

Site Plan and Special Exception Requests

- Res. 14-05-15 – Amending Res 14-05-03 Site Plan Approval, and Special Exception for Motor Vehicle Sales Establishment

Elements

- Enclosing and expanding service bays
- Enclosing auto repair
- Creating indoor bays for storage of damaged cars prior to auto body repair
- Additional parking
- Consolidation of used car operations
- Relocation of loading operations

Earl Stewart Toyota 



Site Plan and Special Exception

Requests

- ▣ Improvements will allow:
 - Additional parking for customers, inventory and employees
 - Enclosure and expansion of existing structure to house used car operation
 - Increased landscaping
 - Future parking garage
 - Interior remodeling to better serve customers
 - LEED Improvements and certification, public education program
 - Extension of public parkway areas along E Illex
 - Provision of a bus shelter
 - Improvements to drainage and utilities for surrounding properties
 - Increased property values
 - New Jobs

Earl Stewart Toyota 



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STUDIOS

Site Plan and Special Exception Requests

- ▣ Improvements will allow:
 - Enclosure of existing noisy operations
 - Restrictions on use of Lake Shore Drive
 - Reduction of curb cuts
 - Reduction of height allowed by PUD
 - Limits and conditions of approval and control through the PUD process
 - Unified development and architectural control

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STUDIOS

LEED Benefits

- ▣ Reduced carbon footprint
- ▣ Energy saving features
- ▣ Recycling construction materials
- ▣ Using recycled materials in construction
- ▣ Improved storm water management
- ▣ Water use reduction through rainwater collection and reuse
- ▣ Carpooling incentives
- ▣ Heat island reduction
- ▣ Energy efficient mechanical systems
- ▣ Use of “Green” products
- ▣ Educational opportunities

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STUDIOS

Noise Reduction Measures

- ▣ Have eliminated paging system
- ▣ Have eliminated engaging alarms to locate cars
- ▣ Will be implementing new technology systems to reduce noise
 - **I.e., ear pieces for person-to-person communication**
- ▣ Delivery of vehicles will be limited from 7:00 AM to 7:00 PM

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STUDIOS

Proposed Development – Phases I & II

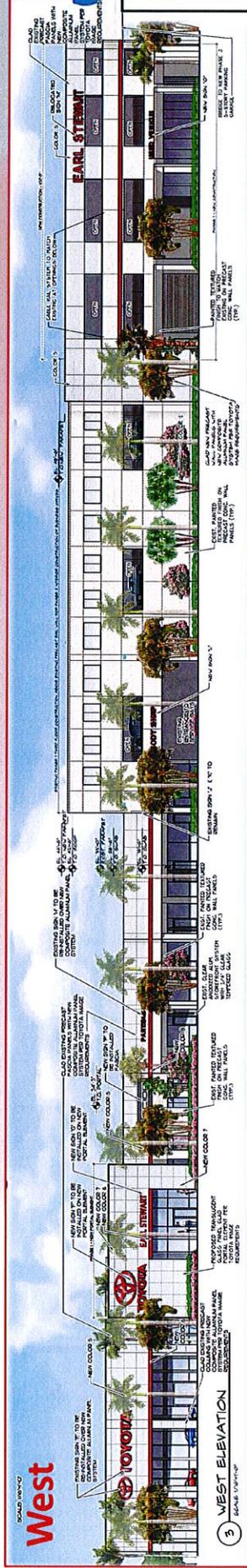


Master Site Plan
 Scale: 1" = 30'



EARL STEWART TOYOTA
 LAKE PARK, FLORIDA

West & East Elevations



View Looking Northeast from US 1



VIEW LOOKING NORTHEAST FROM US HWY 1



EARL STEWART TOYOTA
LAKE PARK, FLORIDA

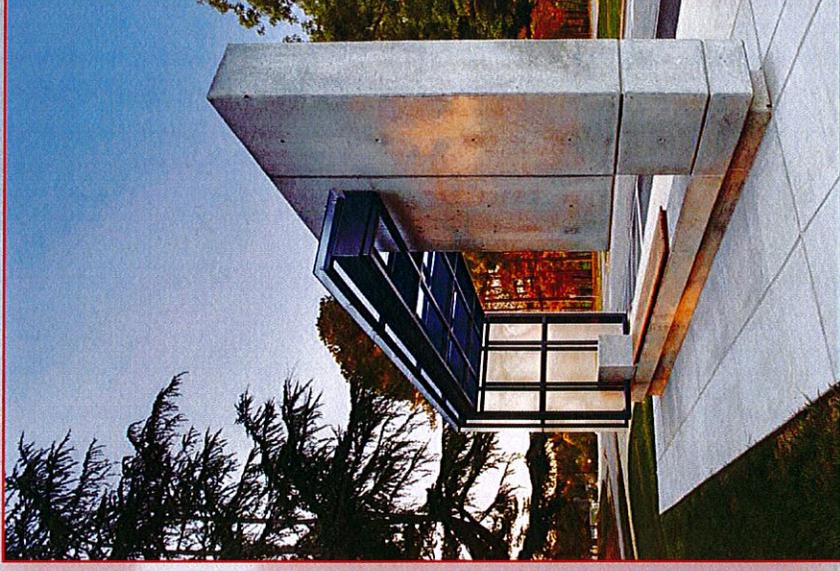
View Looking Southeast from US 1



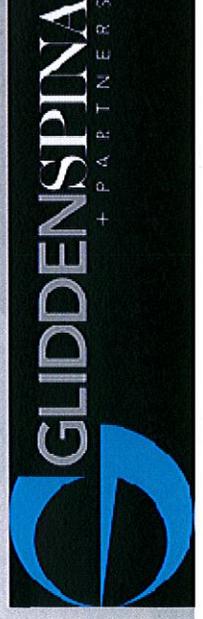
VIEW LOOKING SOUTHEAST FROM US HWY 1


EARL STEWART TOYOTA
LAKE PARK, FLORIDA

Bus Shelter Examples



Earl Stewart Toyota 



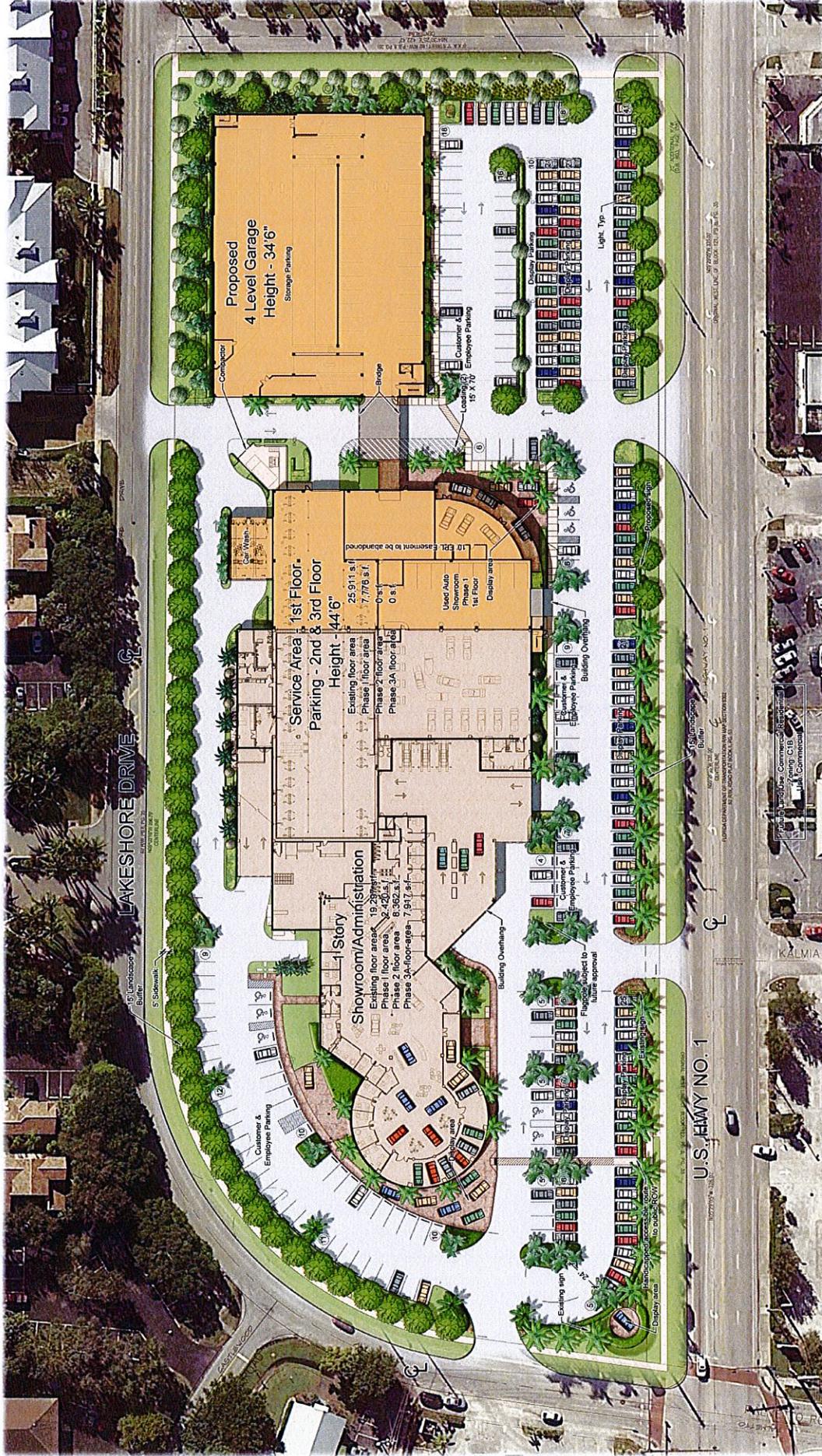
Phase III

- ▣ **Elements**
 - **Adding structured parking**
 - **Providing additional landscape buffers**

Earl Stewart Toyota 



Proposed Development – Phase III



Master Site Plan
 Scale: 1" = 30'

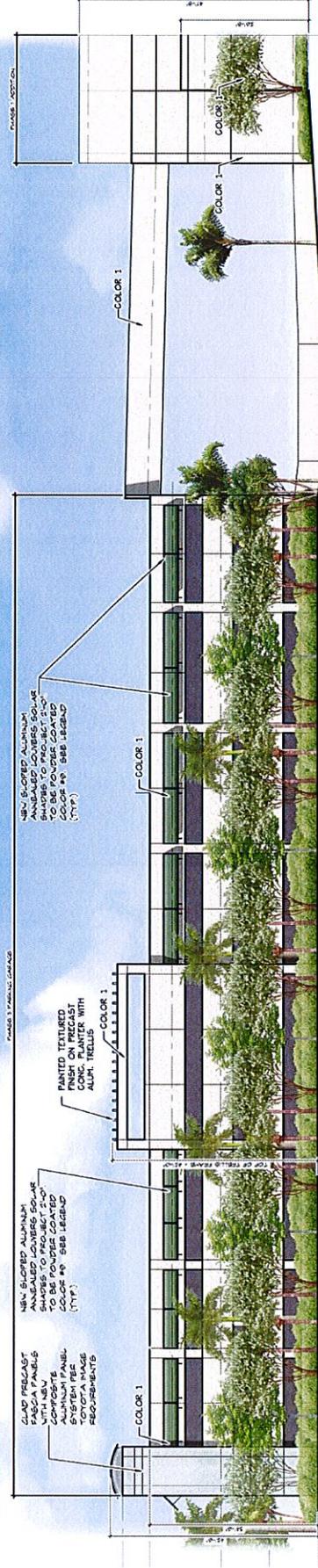


EARL STEWART TOYOTA
 LAKE PARK, FLORIDA



Parking Garage – East Elevation

At 5 Years Growth



- ▣ 5 feet lower in elevation than west elevation
- ▣ Architectural elements to break up façade
- ▣ Trellis structure to provide architectural detailing
- ▣ Landscaping proposed around base of garage

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STUDIOS

Parking Garage – South Elevation

At 5 Years Growth



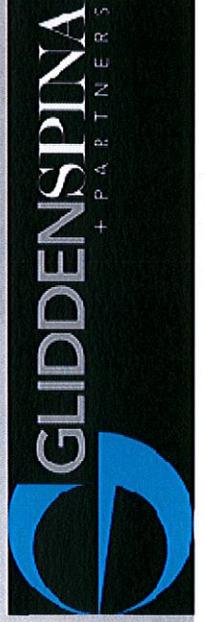
PARKING GARAGE

3 PHASE 3 - SOUTH ELEVATION

SCALE: 1/8"=1'-0"

▣ Landscaping proposed around base of garage

Earl Stewart Toyota



Proposed Development – Phases I & II



**Additional
Park Seating**

Current Proposal

**Relocated
Entrance**



**Addition of
Bus Shelter**

View Looking Southwest from Lakeshore – Phase I & II



REAR VIEW
PHASE I



EARL STEWART TOYOTA
LAKE PARK, FLORIDA

View Looking Southwest from Lakeshore – Phase III at time of construction



REAR VIEW
PHASE III AT TIME OF CONSTRUCTION



EARL STEWART TOYOTA
LAKE PARK, FLORIDA

View Looking Southwest from Lakeshore – Phase III at 5 years growth

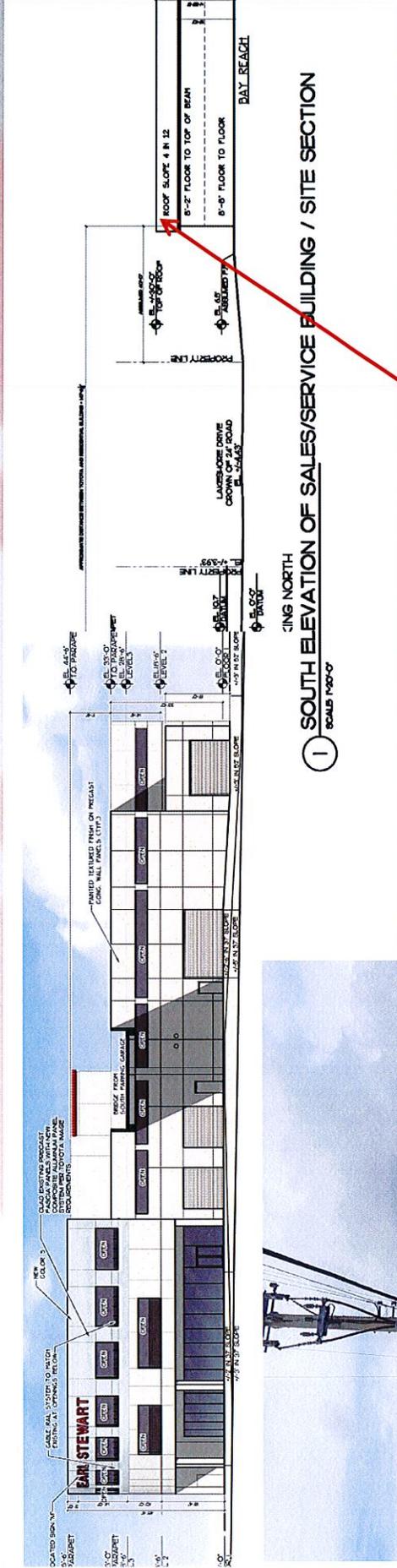


REAR VIEW
PHASE III AFTER 5 YEARS GROWTH



EARL STEWART TOYOTA
LAKE PARK, FLORIDA

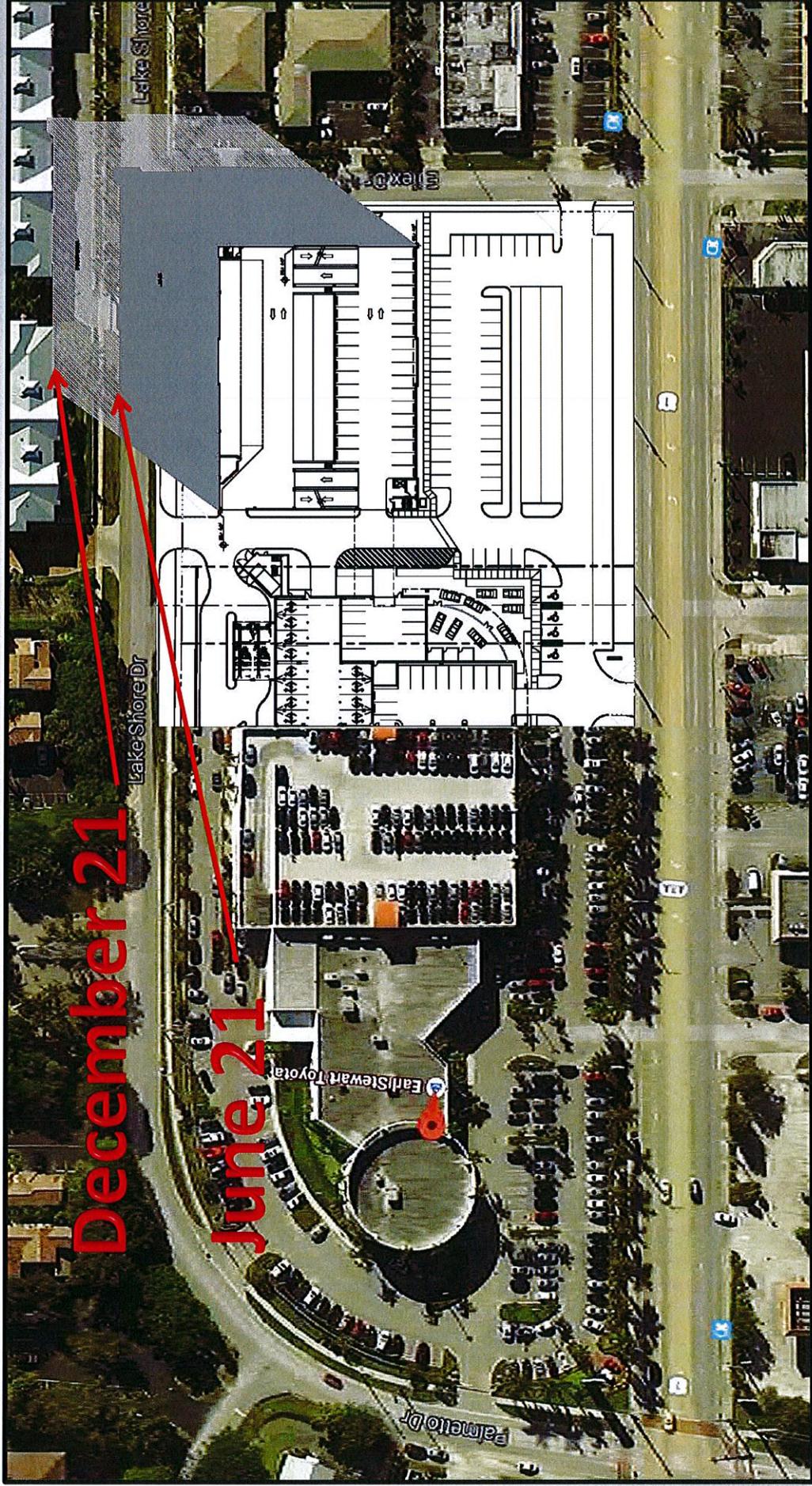
View Looking North on Lakeshore



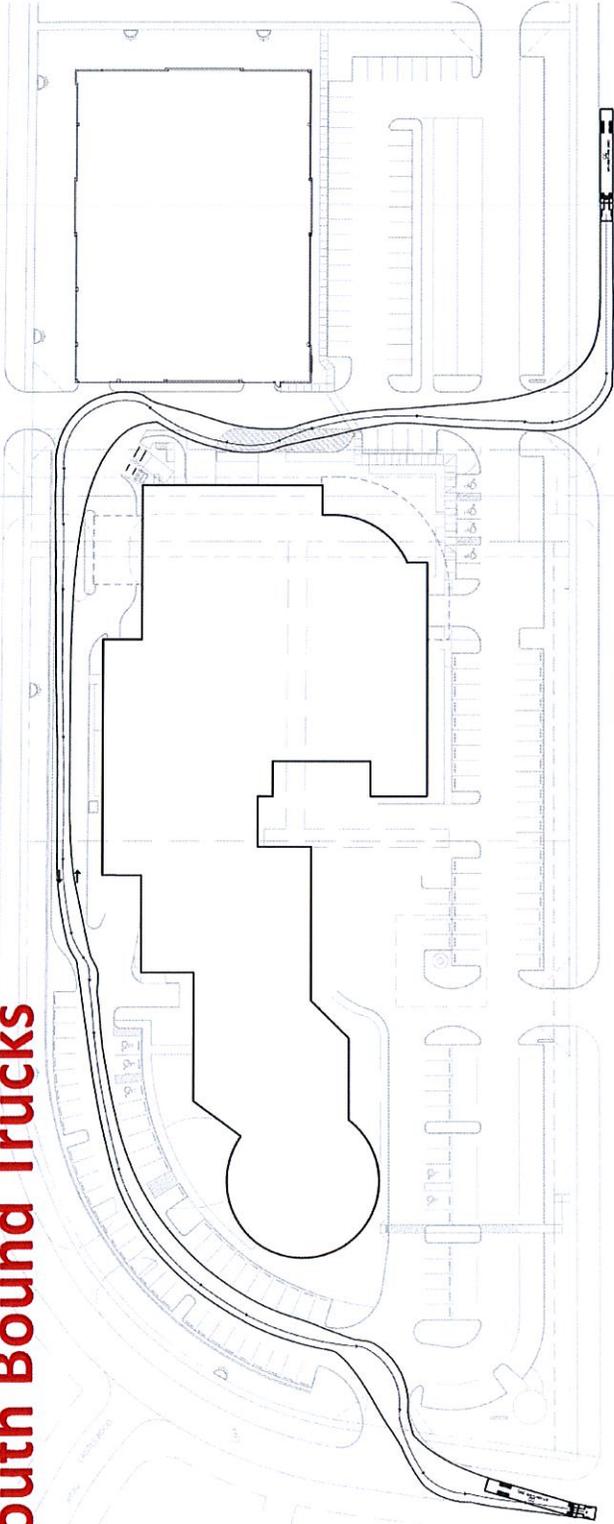
Bay Reach - 30'+/-

Existing Vegetation

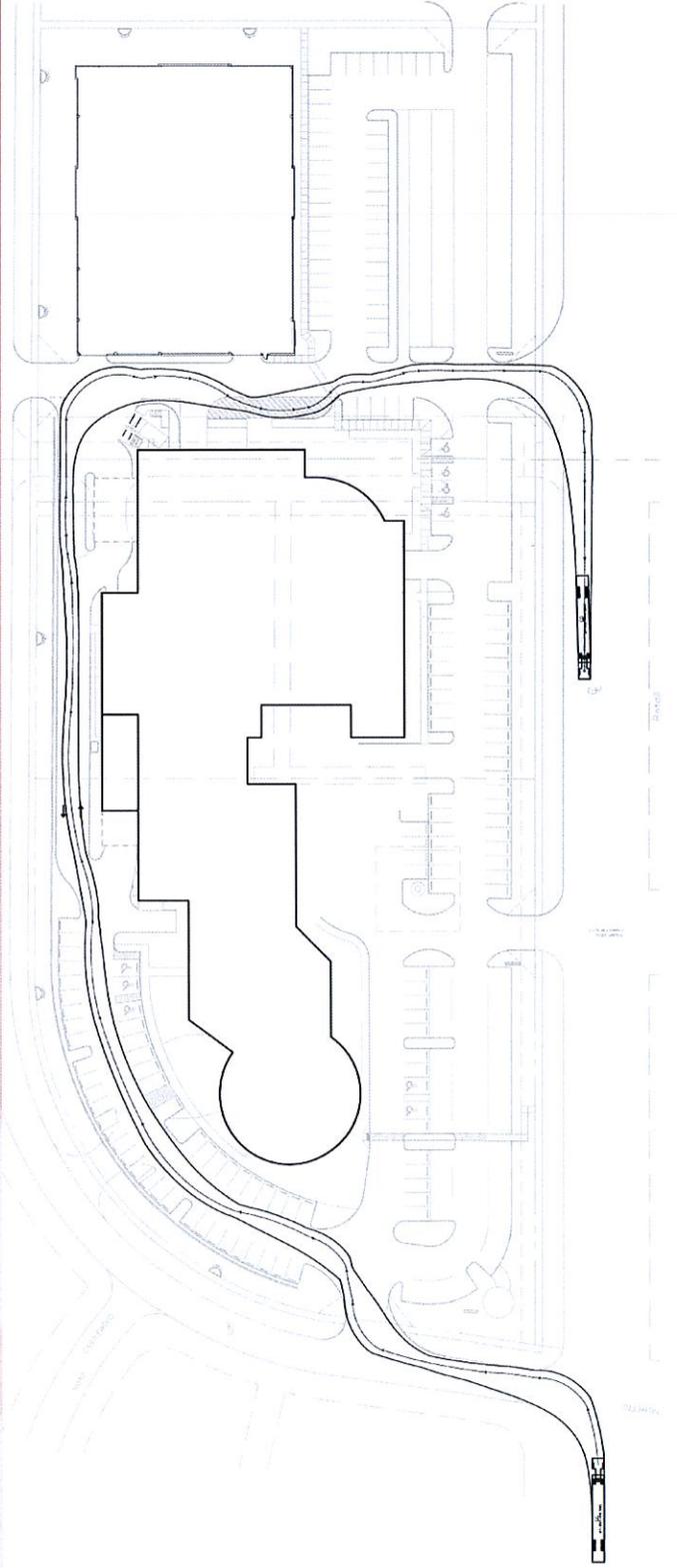
Shadow Study



South Bound Trucks



North Bound Trucks



**Deliveries:
During
Normal
Business
Hours**

**Access: No
Access on
E. Ilex or
Lakeshore**

1017 Federal Highway

- ▣ **Current Size:** 2.23 acres
- ▣ **Current Future Land Use:** Commercial Residential
- ▣ **Current Zoning:** Commercial-1 Business District (C-1)
- ▣ **Current Maximum Building Height:** 30'
- ▣ **Current Allowable FAR:** 2.4
- ▣ **Current Allowable Square Footage:** 233,133 s.f.

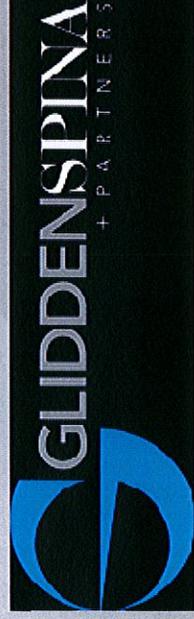
Earl Stewart Toyota 



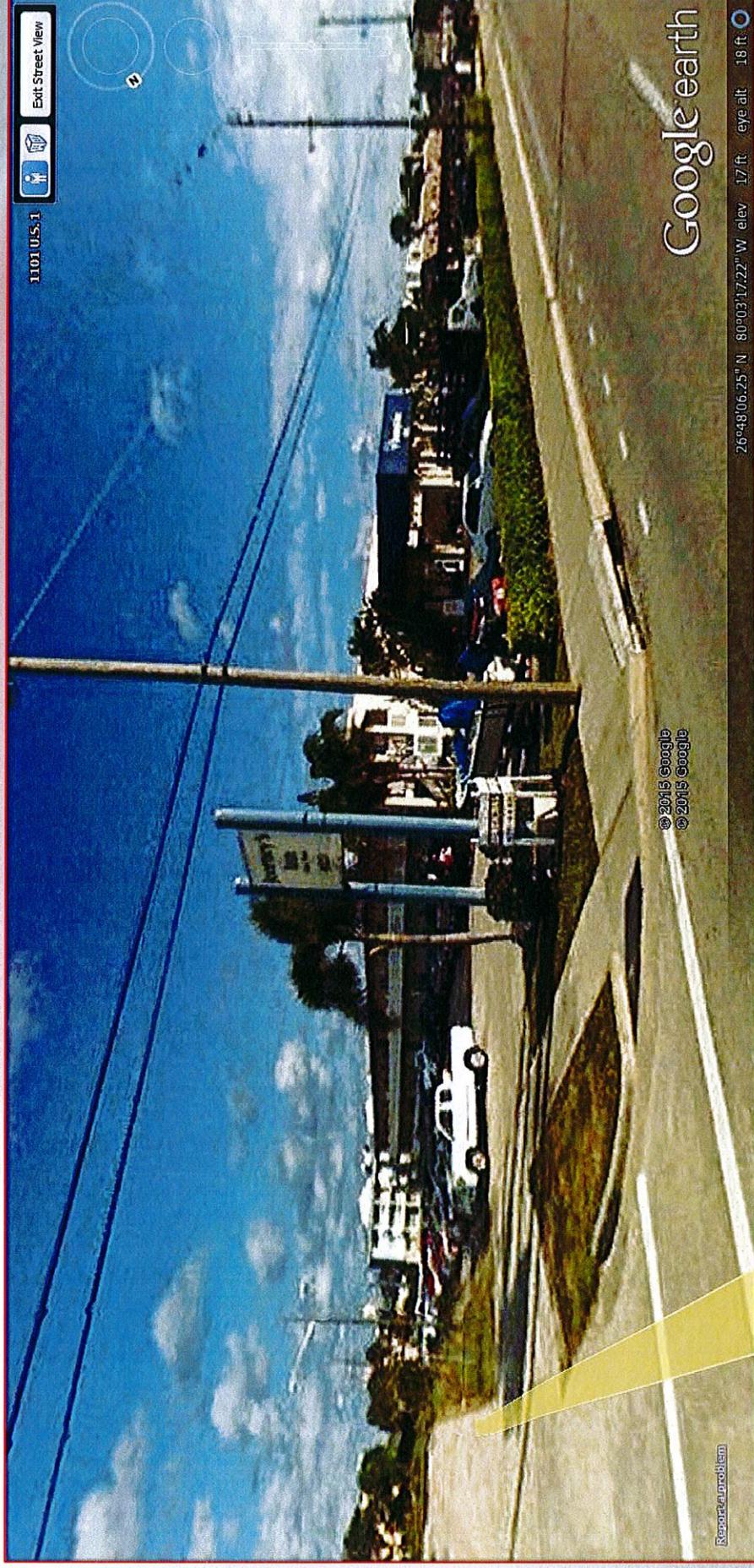
1017 Federal Highway

- ▣ **Current Uses Permitted:**
 - Animal day care establishment
 - Bakeries (non-retail)
 - Banks
 - Offices
 - Outdoor miniature golf
 - Pet shop
 - Restaurants
 - Shops (retail)
 - Indoor theatres
 - Instructional studios
 - Transient residential use

Earl Stewart Toyota 



1969 – 2010: Journey's Inn



Earl Stewart Toyota 



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STUDIOS

Public Benefits

- ▣ Increased Landscape Buffers
- ▣ Screening and buffering of residents from site activities
- ▣ Reduction of height allowed by PUD
- ▣ Existing non-conformities being corrected
- ▣ Additional seating and bus stop shelter
- ▣ Safety of customers and employees crossing E. Jasmine
- ▣ Reduction of curb cuts access points

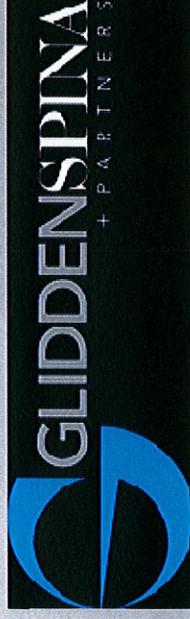
Earl Stewart Toyota 



Public Benefits

- ▣ Project exceeds open space and landscape areas required by code
- ▣ Existing commercial development to be improved
- ▣ Increased property value – stabilized economic base for the Town
- ▣ Additional jobs
- ▣ Town is paid for ROW abandonment
- ▣ Enclosure of noise producing activities
- ▣ LEED Certified construction

Earl Stewart Toyota 



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STUDIOS

Public Benefits

- ▣ Reduction of noise
- ▣ Improved parking
- ▣ Restrictions on Lake Shore Drive use
- ▣ Improved drainage and utilities
- ▣ Successful business equals economic support for families and businesses in Lake Park

Earl Stewart Toyota 



Recommendations

- ▣ Staff recommends approval with conditions
- ▣ Condition 3 of Resolution 3, 2015 restricts all deliveries to not before 7:00 am or after 7:00 pm
- ▣ We would like to request the condition be modified to:
- ▣ 3. Deliveries of autos to the Site shall not be made before 7:00 AM or after 7:00 PM

Earl Stewart Toyota 

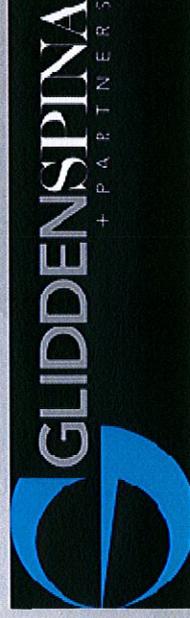


THANK YOU

The following members of the team are here:

- ▣ **Stu Stewart, Earl Stewart Toyota**
- ▣ **John Glidden/Danny Brown, GliddenSpina**
- ▣ **Todd McLeod, McLeod McCarthy & Associates, P.A.**
- ▣ **Michael Kubinski, ID Automotive**
- ▣ **John Limon, Toyota Motor Sales**
- ▣ **Paul Losito, Southeast Toyota Distributors**

Earl Stewart Toyota 



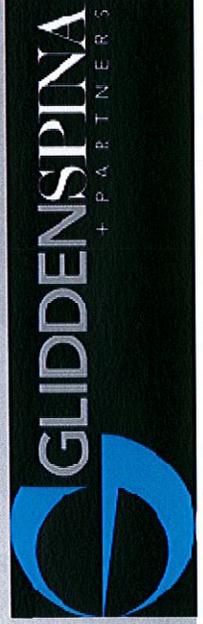
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STUDIOS

EARL STEWART TOYOTA OF LAKE PARK

Lake Park Town Commission

May 20, 2015

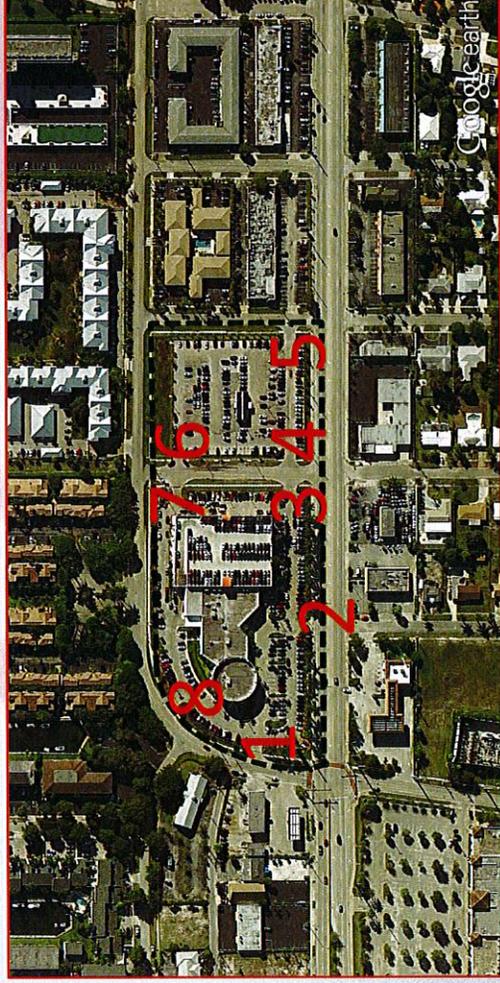
Earl Stewart Toyota 



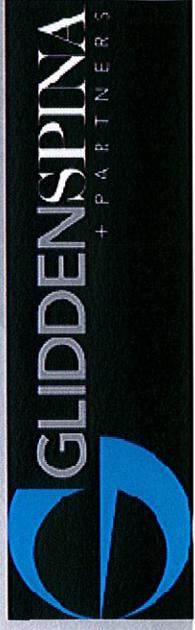
Reduction in Access Points

EXISTING = 8 ACCESS POINTS

PROPOSED = 5 ACCESS POINTS



Earl Stewart Toyota



Non-Conforming Sign

- ▣ Bringing current non-conforming sign into conformance with current code



Earl Stewart Toyota 



Drainage

- ▣ Wastewater (sewage) discharges to the Seacoast Utility Authority sanitary sewer system in Lake Shore Drive and is routed to their wastewater treatment plan. The maintenance areas include floor drains which pass through an oil/water separator to skim off pollutants before the water reaches the Seacoast sanitary sewer system.
- ▣ Drainage from rainfall is stored underground in the exfiltration trench system for treatment before it discharges through a water control structure to the Lake Shore Drive storm drainage system. Discharge from the car maintenance areas don't enter this drainage system (and therefore aren't directed to the nearby water bodies); as outlined above, the maintenance area floor drains are directed to the Seacoast sanitary sewer system instead.

Earl Stewart Toyota 

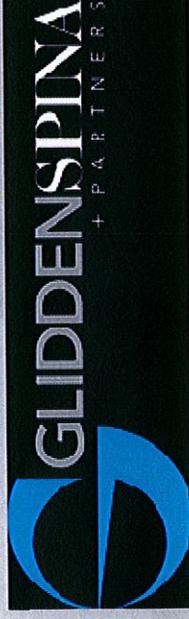


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STUDIOS

Temporary Use

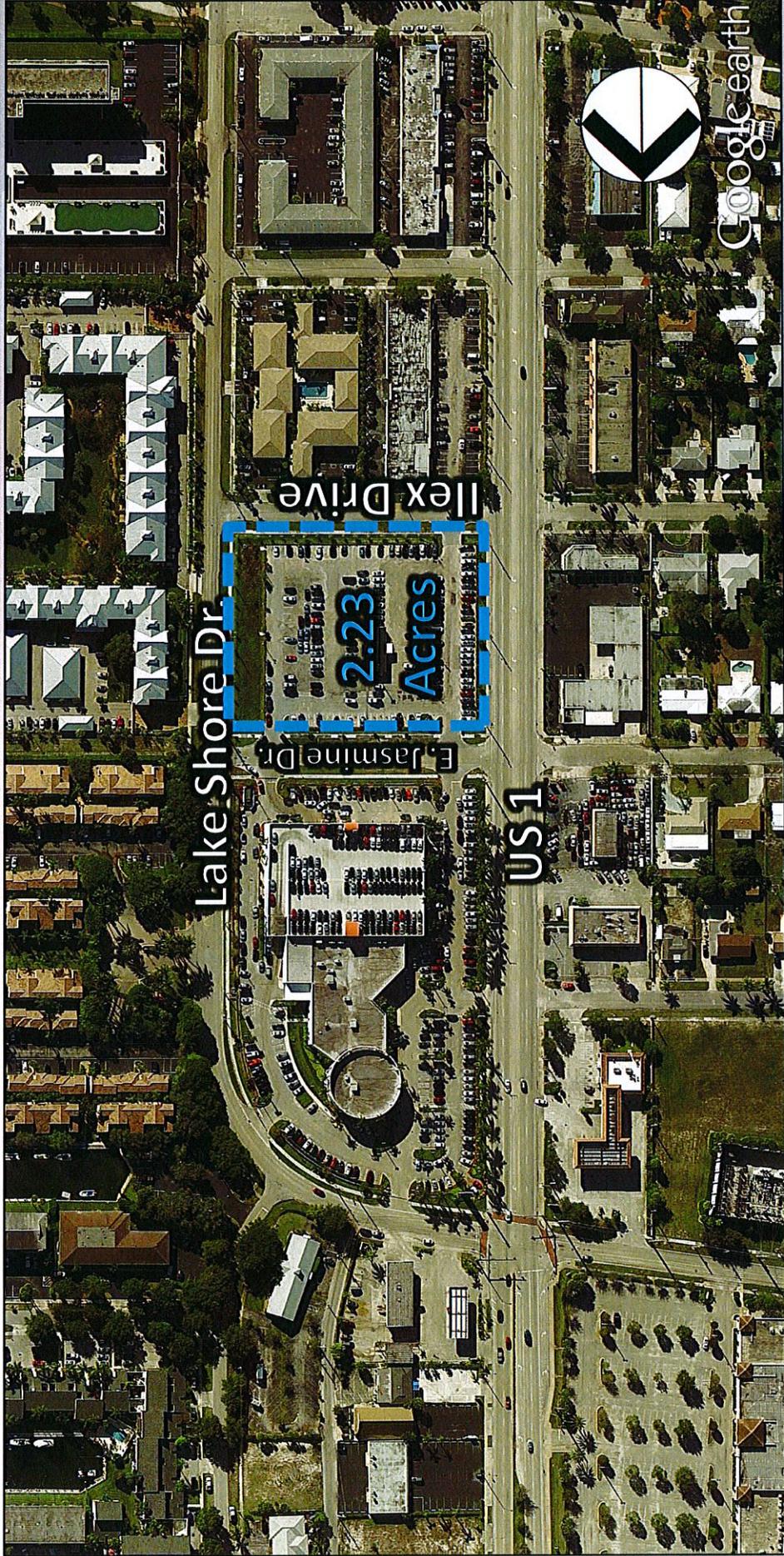
- ▣ January 21, 2015
 - Commission approved extension of temporary use until:
 - ▣ 30 days from issuance of CO for Phase 1
 - ▣ But no later than January 31, 2016

Earl Stewart Toyota 

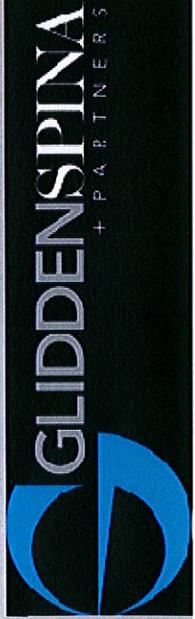


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STUDIOS

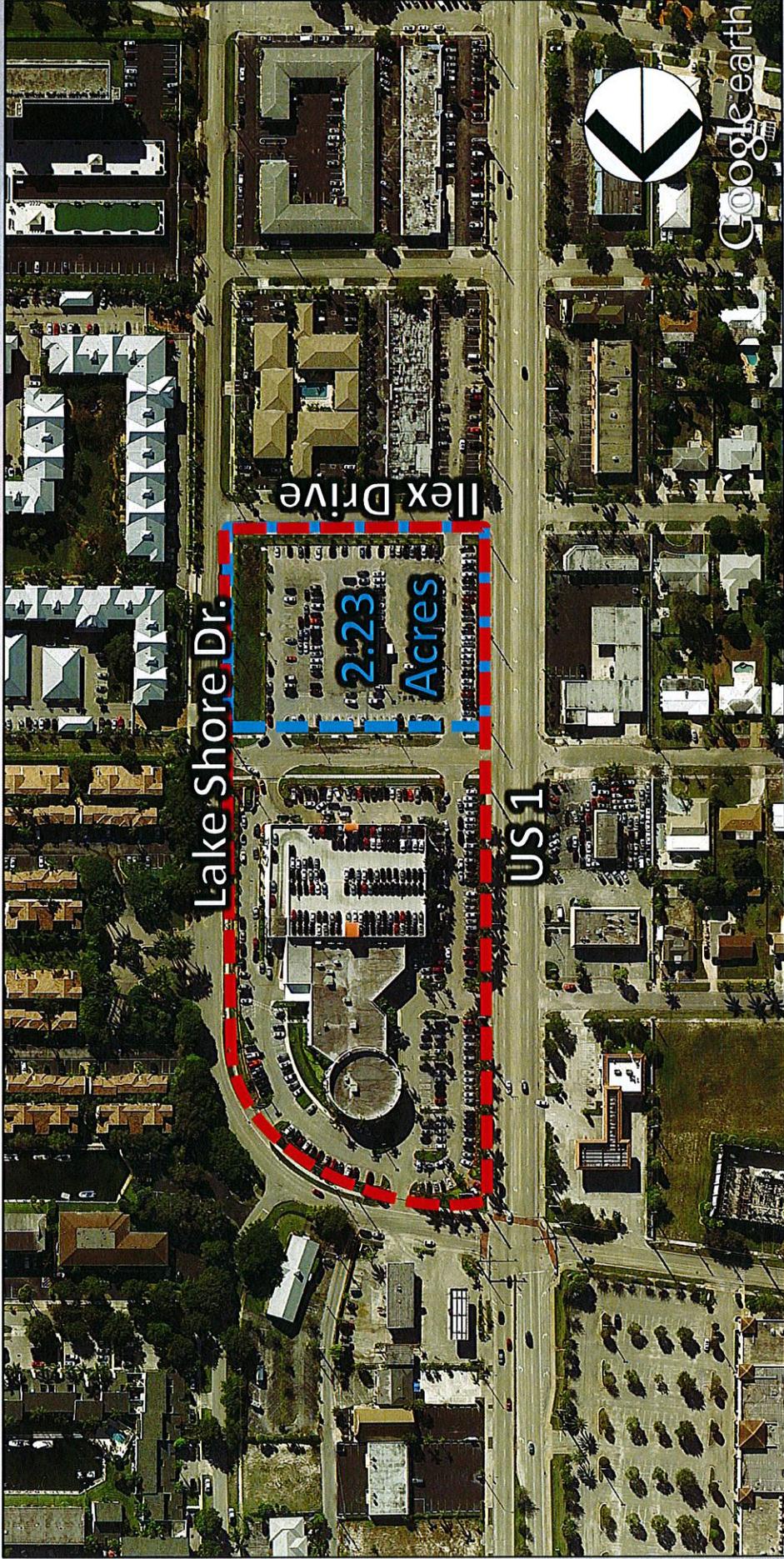
Temporary Use



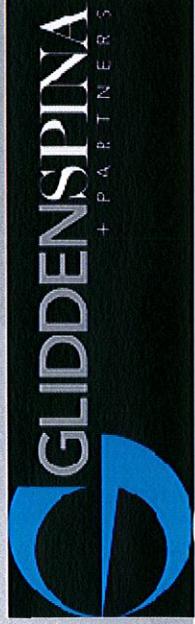
Earl Stewart Toyota 



Land Use Map Amendment

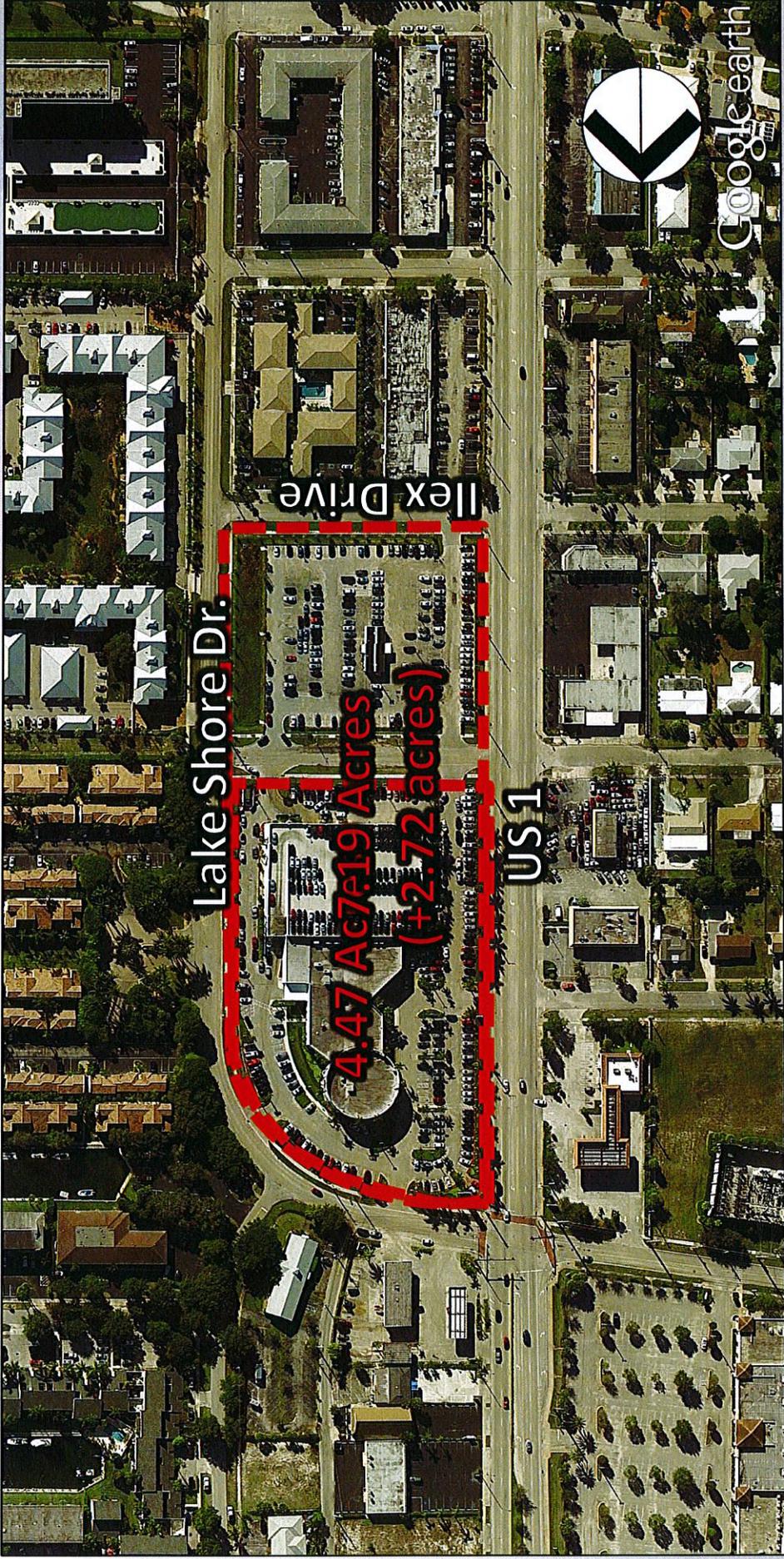


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STUDIOS

Special Exception & PUD Amendment



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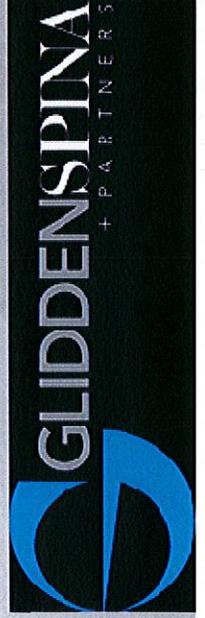


Exhibit "H"

Hi my name is Penny Broda and I have been a resident of Lake Park for over 12 years. I currently reside at 8 East Ilex Drive. I would like to talk about the traffic study currently being used to assess whether to sell East Jasmine Street and the impact it would have on surrounding streets and residents living in this area. This traffic study is **OLD**. I propose that the commission ask for a new traffic study. This traffic study needs to include Ilex, Jasmine, Palmetto, Lake Shore Drive and US 1. This traffic study will need to be conducted during the height of the season when the snowbirds are in residence. This will give all of us a better understanding of the impact of the pending sale of East Jasmine Street.

Dear Mayor Dubois, Vice Mayor Glas-Castro, and Commissioners,

Exhibit "I"

The following is an excerpt from the interview by Dealer Magazine with Earl Stewart June 2013 Vol.23 No.6. It demonstrates how successful the dealership is and its goal for "continuous improvement". The full online address is below excerpt

But improvement at whose expense? Business comes first and beware the people who try to rein in this ambitious goal of "Kaizen".

Excerpt:

I'm going to guess that your dealership performed well in the survey. (Interviewer)

So when they did this national survey, JD Power and Toyota told us they wanted to talk with us because we had such outstanding results. Of all the dealers, our closing ratio was higher than just about every other dealer. And our sales satisfaction was second only to Longo Toyota. They wanted to know our system. I felt kind of silly when all I could tell them, "My system is, I'm really, really nice to my customers." Really, it sounds, it sounds simplistic and stupid, but it's the execution that works.

How do you execute it? (Interviewer)

Well, we truly, truly live it. It's a religion with us. We're the largest volume car dealer in the market. We outsell all the other dealers, including all the other brands. And we're in the smallest part of the market.

We're in a little town call Lake Park. We say we're in North Palm Beach because nobody's heard of Lake Park. We're right next to North Palm Beach. But the town of Lake Park has only got 9,000 people. So we pump out many cars north, south and west — we can't pump them out east because we're on the coast.

But we dominate Palm Beach County, and for that matter, the counties north of me, Martin County and Saint Lucie.

<http://dealer-communications.com/profiles-of-success/interview-with-earl-stewart-owner-of-earl--toyota/>

This was 2 years ago! The current goal is to warehouse and distribute an inventory of cars that is twice the present amount. This goal is not a public benefit for residents of Historic Lake Park whose beauty and value on the Intracoastal Waterway will be marred by this industrial expansion.

Is this the future planning that our representatives are willing to agree to?

Please include in the public record for the May 20th Lake Park Town meeting.

Respectfully submitted

Janet Hash, Resident

Petition against Stewart Toyota Parking garage rezoning

We, the residents of Lake Park, FL, within 300ft of the planned development, petition the town commissions NOT to :

1. Abandon the E. Jasmine Drive
2. Rezone 1017 Federal Highway from commercial C-1 to PUD
3. Amend the Planned Unit Development for Earl Stewart Toyota and;
4. Approve Special exception Use of the site

NO for Earl Stewart Toyota dealership to expand and construct a four-level parking structure, mechanic bays, car wash, paint shops and offices at the proposed site.

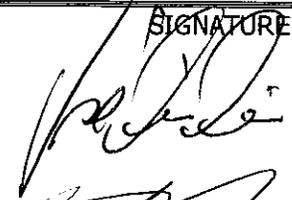
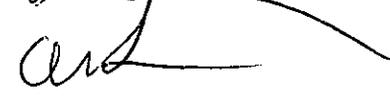
#	NAME	ADDRESS	SIGNATURE
1	Claire Morrison	1060 Lake Shore Dr #201 Lake Park Fl, 33403	
2	Shun Xu	" " 1060	102
3	Megan Pearce	1045	'203'
4	AUDREY BAMBRY	1046	104
5	Teresa Elm	1180 #101	33403
		1125 #	102
		1040 #	202
	Monica Silvestri	1035 #	204
	STANCO HEWENIA	1130 #	102

Petition against Stewart Toyota Parking garage rezoning

We, the residents of Lake Park, FL, within 300ft of the planned development, petition the town commissions NOT to :

1. Abandon the E. Jasmine Drive
2. Rezone 1017 Federal Highway from commercial C-1 to PUD
3. Amend the Planned Unit Development for Earl Stewart Toyota and;
4. Approve Special exception Use of the site

NO for Earl Stewart Toyota dealership to expand and construct a four-level parking structure, mechanic bays, car wash, paint shops and offices at the proposed site.

#	NAME	ADDRESS	SIGNATURE
1	JOSE LEON	1045-205	
2	Mirza Neimuliyi	1060-105	
3	Ashley Mottorn	" 103	
4	LEE Payson	1035 #206	
5	ASHLEY VAN ARSDALE	1015 103	
	WILLIAM SCHMIDT	1050 103	

NO to Toyota Dealer Expansion

About this petition

Petition against Stewart Toyota Parking garage rezoning

We, the residents of Lake Park, FL, within 300ft of the planned development, petition the town commissions :

NOT to Abandon the E. Jasmine drive, NOT to Rezone from commercial C-1 to PUD, NOT to Amend the Planned Unit Development and; NOT to Approve Special exception Use of the site

For Stewart Toyota dealership to construct a four-level parking structure, mechanic bays, car wash, paint shops and office spaces at the proposed site.

Only as a group can we save our paradise.

Bethany Clark
Exhibit "J"

1. Name: Cat BayReach on 2015-05-09 15:57:55
Comments: Please save out historic town of Lake Park

2. Name: Anh Ly on 2015-05-09 16:10:12
Comments: No to Parking garage

3. Name: Sam Baghdady on 2015-05-09 16:10:58
Comments: Please Protect Our Paradise!!!!!!

4. Name: Le on 2015-05-09 19:17:48
Comments: Please do not erase Jasmine drive from the map of Florida. Please reserved our homes, our fresh airs, our community. Our serene neighborhood are nothing to Earl Stewart Toyota, but it's a whole world to us, it's our paradise on earth. I think it is not much to ask, it is not? simple to grant, just leave our neighborhood as is.

5. Name: Janet Hash on 2015-05-09 23:43:09
Comments: Lake Park is a small historic Town. The abandonment of E Jasmine ROW, the building of a mega car warehouse and distribution center does not follow the town goals or benefit the public. In a high density residential community all access roads to Federal Hwy 1 are necessary.

6. Name: Camille Baghdady on 2015-05-10 14:28:50
Comments: Please protect the character of our Town and DO NOT subject us to all the NEGATIVES that will come with an enormous car center!!

7. Name: John Hash on 2015-05-11 02:17:40
Comments: I live in Bay Reach on Lake Shore Drive, and utilize East Jasmine Drive for a convenient and safe access to Federal Highway when Palmetto Drive has traffic problems or obstructions, which can happen with Earl Stewart trucking activity. Lake Park must not abandon this important traffic route alternative.

8. Name: Angela Kauffman on 2015-05-11 11:20:39
Comments: Already I am awoken many nights during each week because of early morning deliveries to this dealership; deliveries between 12-2am!!!! These trucks not only cause an interruption in the peaceful enjoyment of my home, but they also frequently exit the dealership and drive down Lake Shore Drive and then up Jasmine Drive. They do not enter/exit from Federal Hwy/US 1! Why is that?

9. Name: William Ball on 2015-05-11 12:08:27
Comments:

10. Name: Elizabeth Ranker on 2015-05-11 12:14:13
Comments: There are other solutions to the needs of Earl Stewart Toyota that do not

11. Name: Donald Van Arsdale on 2015-05-11 13:16:03
Comments:

12. Name: Can Nguyen on 2015-05-11 13:42:00
Comments: Save our neighborhoods! Save our coastal paradise !

13. Name: Jennie Shin on 2015-05-11 14:01:56
Comments: The 4 story garage and corporate building in a local residential area will grossly impact residents and cause traffic which the roads are not equipped to handle. On top of that, closing E Jasmin will only add to the congestion.

14. Name: Beth Valle on 2015-05-11 14:09:51
Comments: Please do not close E Jasmine Drive. That road is critical to traffic flow from Lake Shore Drive to Federal Highway for many of the communities on Lake Shore Drive.

15. Name: Shirley Clark on 2015-05-11 14:49:49
Comments:

16. Name: Nick and Karen Kozarevich on 2015-05-11 15:27:00
Comments: Save our sunny and quiet paradise, and our marine habitants from a large building with large trucks, and toxic wastes. The sun will be blocked, and there will be noise, air, and water pollution . Save E. Jasmine Drive from closure as it serves Bay Reach residents and our neighbors as a main thoroughfare from and to the Federal Highway.

17. Name: Benny Valle on 2015-05-11 17:45:58
Comments:

18. Name: Eileen Chapman on 2015-05-11 21:34:43
Comments: The Earl Stewart Toyota proposed construction job would only create problems for our neighbood. We currently have multiple problems with the oversized trucks that drive down and park on Lake Shore Drive behind the Toyota. The trucks cause traffic and they compell drivers to drive on the opposite side of the road in order to get by the oversized trucks which can easily cause a collision. Our population in this area continues to grow, eliminating the street would be extremely counter productive for our town. Allowing this project to occur in our neighborhood would only cause heavy traffic, illegal truck parking, car accidents and ongoing noise complaints to the town. I am requesting the town to kindly consider our request in Banding this proposed construction project.

19. Name: Herman Ip on 2015-05-12 11:49:52
Comments:

20. Name: Brian Oweisjarrin on 2015-05-12 19:33:33
Comments:

21. Name: Chun-Pey Lai on 2015-05-13 14:49:08
Comments:

22. Name: Angela M. Hickey Kauffman on 2015-05-13 17:52:02
Comments: I own two properties directly across from Earl Stewart, of which both will be adversely affected by the unnecessary expansion.

23. Name: BAOLOC TRAN on 2015-05-14 01:24:17
Comments: NO, DEFINITELY NOT ALLOW THIS TOXIC "MACHINE" BUILT NEAR KIDS PLACE, JUST FOR THE INDIVIDUAL PROSPERITY PURPOSE. NO AND NO, AGAIN .

24. Name: Nga Thi Thieu Pham on 2015-05-14 01:40:43
Comments: Paint Shop poison chemical , carbonic monoxide exhaust, engine noise from the cars of the 5 storey heavy commercial in that softly living residential area ? Everybody would say NO, NO.

25. Name: Khoi BT Tran on 2015-05-14 01:52:54
Comments: Its the RIGHT time to think about the environment, people can not turn-away to kill slowly the other people generation to generation for only money purpose, that has been done and still doing in somewhere outside America. Surely NOT could be done in Lake Park, FL, USA.

26. Name: Kim BT Tran on 2015-05-14 01:57:55
Comments: NO, not near the residential area, Zoning cannot be changed,

27. Name: Tien Loc Pham on 2015-05-14 02:08:53
Comments: NO, NO, not 4 level Parking and paint shop in Residential Area,

28. Name: To Quynh Pham on 2015-05-14 02:12:36
Comments: We vote NO, we say No to that Toxic Giant Machine near Our kids playing ground.

29. Name: Tien My Pham on 2015-05-14 02:21:55
Comments: I vote NO, and NO.

30. Name: John Armstrong on 2015-05-14 15:46:04
Comments: Must Lake Park now Sell our Public Streets (E. Jasmine Drive) to the highest bidder? Have we become so desperate? What else is being cooked up?

31. Name: gail calvo on 2015-05-15 00:07:40

-
32. Name: Bethany Clark on 2015-05-15 00:20:53
Comments:
-
33. Name: stacey I. kelson on 2015-05-15 00:48:36
Comments: How much more can you shade an amazing intracoastal community...i kindly ask that you find an alternate location for your overflow of inventory.
-
34. Name: Danny DeLaus on 2015-05-15 00:50:34
Comments:
-
35. Name: Rosana Rivera on 2015-05-15 00:52:33
Comments:
-
36. Name: Angelica Varon on 2015-05-15 01:02:25
Comments: Oposing this construction
-
37. Name: Deborah Graham on 2015-05-15 01:07:04
Comments: Too much noise and traffic at all hours. My Bay Reach condo is directly across the street. I must sleep with earplugs due to the commotion
-
38. Name: Joseph king on 2015-05-15 01:27:17
Comments:
-
39. Name: Dennis Imbesi on 2015-05-15 01:32:18
Comments:
-
40. Name: Frank Bulger on 2015-05-15 09:35:28
Comments: As a property owner living just across from the dealership I think this plan is crossing the line. The residents of Lake Park and the Al Stewart dealership have coexisted just fine until now but this new plan is out of control and inconsiderate to residents living near by.
-
41. Name: Victoria Kinney on 2015-05-15 11:42:49
Comments:
-
42. Name: Joseph Leffler on 2015-05-15 12:23:11
Comments: This expansion will further hurt
Lake Parks small town feel.
The noise pollution and traffic
congestion is already excessive.
-

43. Name: Cindy Dunn Nathaniel on 2015-05-15 12:27:07
Comments:

44. Name: Robert Morrison on 2015-05-15 13:47:06
Comments: Another blight in a developing neighborhood about to blossom. Only good for the dealer. Will provide no further jobs or income to the area. Completely out of the ordinary to build a multi story parking facility to accommodate the desires of one business showing no concern for the neighborhood in which it will raise its ugly countenance.

I live in Bay Reach and feel this will have a detrimental effect on our lovely development.

Please do not allow

Robert G. Morrison

45. Name: Margaret Brice on 2015-05-15 14:09:49
Comments: Please do not allow this to ruin our neighborhood. This will never happen in places like Boca Roton and other cities that value the worth of the town. ENOUGH ALREADY!

46. Name: Diane Diaz on 2015-05-15 17:10:43
Comments:

47. Name: Jacqueline Hart on 2015-05-15 19:09:41
Comments: Stop it - it is ruining our little town of Lake Park.

48. Name: Lynn Reed on 2015-05-15 21:16:11
Comments: Sometimes it should be about people and not money.

49. Name: Joseph imbesi on 2015-05-15 22:10:33
Comments:

50. Name: Steven Chew on 2015-05-16 17:07:19
Comments:

51. Name: Kelly King on 2015-05-17 01:06:48
Comments: he's big enough...let him open a location somewhere else not in our beautiful residential neighborhood. I bike and walk everyday through here...dont'want the extra traffic or noise. NO TO EARL STEWART EXPANSION

52. Name: Pablo Tee on 2015-05-17 01:19:03
Comments: Its happened normally in outer US space, the power of money can BUY everything to reinforce their network to do whatever they want, could it show that up here.

53. Name: John V. Cecere on 2015-05-17 02:00:20
Comments:

54. Name: William Hanks on 2015-05-17 11:24:11
Comments:

55. Name: Kriszta Van Ardale on 2015-05-17 13:57:36
Comments: This expansion does NOT benefit our community of Lake Park...only Earl Stewart's further growing his financial empire. Please say NO TP THE SCOPE AND SIZE OF THIS PROPOSED HUGE BRICK AND MORTER EYE SORE! THANK YOU.

56. Name: JoAnn Webb on 2015-05-17 15:05:47
Comments:

57. Name: Penny Broda on 2015-05-17 22:02:28
Comments: Just say NO to Toyota. Toyota makes lots of promises but does not always follow thru

58. Name: Gabrielle Korman on 2015-05-19 00:08:47
Comments: DON'T GIVE OUR STREET AWAY!!
