

MINUTES
PLANNING & ZONING BOARD
MONDAY, JULY 10, 2006
535 PARK AVENUE
LAKE PARK, FLORIDA

I. Call to Order

II. Roll Call

Jeff Blaklely, Chairman	Present
James Dubois, Vice Chairman	Present
William Serrano	Excused
Eddie McConville	Present
Jeanine Longtin	Present
Tim Stevens, 1 st Alt.	Excused
Diane Munroe, 2 nd Alt.	Present

III. Approval of Agenda

Mr. Dubois made a motion to approve the agenda. Seconded by Ms. Longtin.

	Aye	Nay
Jeff Blakley	X	
James Dubois	X	
Eddie McConville	X	
Jeanine Longtin	X	
Diane Munroe	X	

Motion carried 5-0

IV. Approval of Minutes

Mr. Dubois made a motion to approve the minutes of June 12, 2006, with changes. Seconded by Ms. McConville. Mr. Dubois stated that the applicant had stated that the exterior lighting would be controlled by automatic timers or photosensitive activation. Also, Mr. Dubois asked that the reason he dropped condition 5 was because of a lack of sidewalk made an internal pathway from front to rear an attractive option.

	Aye	Nay
Jeff Blakely	X	
James Dubois	X	
Eddie McConville	X	
Jeanine Longtin	X	
Diane Munroe	X	

Motion carried 5-0

35 Ms. Longtin asked if the Planning & Zoning Board Minutes go to the Town Commissioners
36 after they have been approved by the Board. Mr. Blakely stated that he did not know. Mr.
37 Blakely asked Commissioner Daly if he informs the Commissioners of the discussion the
38 board has on the various projects. Commissioner Daly stated that he brought up the
39 sidewalk issue, but since it was not a mandatory requirement, it was not voted in. Ms.
40 McConville wanted to know if the Commissioners had seen the minutes. Ms. Longtin stated
41 that she felt it was the paperwork that should be seen even if it has not been approved.
42

43 Mr. James Dubois made a motion that unapproved minutes go before the commission in
44 draft form either with the draft watermark or with the heading subject to approval. Ms.
45 McConville seconded the motion.
46

	Aye	Nay
Jeff Blakely	X	
James Dubois	X	
Edie McConville	X	
Jeanine Longtin	X	
Diane Munroe	X	

47

48 **Motion 5-0**

49

50 **V. Public Comment**

51

52 None

53

54 **VI. New Business – Quasi- Judicial Public Hearing**

55

56 All persons giving testimony were sworn in. All boards members stated that they did not
57 have any ex parte communication, except for Jeff Blakely. Mr. Blakely stated that he had a
58 brief conversation 4 months ago with Jack Potrekrus from T & M Design about the site plan
59 for LPJ Properties.
60

61

62 Mr. Sullivan, Community Development Director, identified himself for the record, and
63 stated that Corporate Property Services, which is the agent for Chick-fil-A, would develop
64 the site at 1220 Northlake Blvd., which is at the K-Mart Plaza. Mr. Sullivan stated that they
65 have filed for two variances; one variance asking for less parking spaces on the entire site
66 and the other is for a reduced landscape buffer. He explained that this is an outparcel that
67 will be leased from the owner of the plaza.

68

69 **A.** A Variance application filed by Corporate Property Services, Inc., agent for Chick-fil-A,
70 located at 1220 Northlake Blvd., to reduce the required 15 foot landscape buffer due to the
71 installation of a right hand turn lane into the main shopping center access drive mandated by
72 PBC Traffic Division.

73

74 Mr. Sullivan explained that the issue is that a 15 foot buffer is required between the road and
any parking areas or buildings on the site. Originally there was enough frontage, but the

75 requirement for the right turn lane has reduced the frontage that was needed for the size of
76 the buffer. Mr. Sullivan stated that he believed that this site did meet minimum landscape as
77 it was reviewed by CG&A. Attached hereto and made a part of the minutes is Exhibit "A".
78

79 Mr. Craig McDonald from Corporate Property Services identified himself for the record.
80 Mr. McDonald stated that they had met the landscape requirements. Mr. McDonald
81 explained to the board the layout of the site plan.
82

83 Mr. Blakely stated that all of the trees along Northlake Blvd. have been removed; the
84 existing Gumbo Limos and existing Black Olives and according to the landscape plan, they
85 are to be replaced by Oak Trees. Mr. Blakely explained that the Gumbo Limo Trees could
86 be prepared and relocated into those positions fairly easily. Mr. Blakely suggested the if the
87 Gumbo Limos are removed, replace them with like trees, and the three trees that are shaded
88 in pink are Pink Tabebuias and use instead the Pink Tabebuia Impetiginosa/IPE which are
89 more cold tolerant.
90

91 Mr. Dubois had questions whether this project had to comply with the NBOZ, and Mr.
92 Sullivan stated that the project did comply with the NBOZ regulations; however, the project
93 was vested as this project has been submitted in January of 2006, before the Interlocal
94 Agreement was signed.
95

96 Ms. McConville made a motion that the variance for the landscape buffer be approved with
97 the condition that the Oak Trees be removed and the Gumbo Limo Trees be replaced and the
98 Tabebuia is replaced with the IPE. Ms. Longtin seconded the motion with discussion. Mr.
99 Blakley stated that he would prefer that they maintain the existing Gumbo Limos, and if
100 because of construction, replace them at a like size.
101

	Aye	Nay
Jeff Blakley	X	
James Dubois	X	
Edie McConville	X	
Jeanine Longtin	X	
Diane Munroe	X	

102 **Motion carried 5-0**
103

104 **B.** A Variance application filed by Corporate Property Services, Inc., agent for Chick-fil-A
105 located at 1220 Northlake Blvd. to reduce the parking spaces by 28 in order to comply with
106 PBC Traffic Performance Standards.
107

108 Mr. Sullivan, Community Development Director, stated that this variance encompasses the
109 entire property because even though it is an outparcel, the site plan is taking up parking
110 spaces, and the entire shopping center requires 872 parking spaces. Mr. Sullivan stated that
111 the board needs to determine whether there is enough parking for the shopping center and
112 for the new use. Chick-fil-A has permission from the property owner to use the parking
113 spaces that are just to the east and west of the site.
114

115 Mr. Blakely wanted to know how this related to the current ULI Standards. Mr. Sullivan
 116 stated that he had made a mistake in the staff report; he had 4.3 that ULI recommends for a
 117 community center, and it should be 4.7 per thousand square feet. Mr. Sullivan stated that
 118 the Lake Park Town Code calls for 5 spaces per thousand square feet. Mr. Sullivan
 119 additionally stated that under ULI Standards for average occupancy, the amount would be
 120 750 to 789 spaces which would be more than enough to cover all the parking.
 121

122 Mr. Craig McDonald explained the traffic circulation, and stated that the shopping center
 123 has allowed Chick-fil-A to use 31 spaces that surround the site. Mr. McDonald added that
 124 60% of the business is from the drive-thru. Mr. Sullivan stated that the old spaces are 9 x 18
 125 and the new spaces are 10 x 18.
 126

127 Geta Thomason, Chick-fil-A, Project Manager, identified herself for the record and stated
 128 that they would have a shift of 10 employees. Ms. Longtin stated that the shopping center
 129 floods and wondered about the impact. Jerry Zamora, Civil Engineer, identified himself for
 130 the record, and stated that they are adding additional drainage to the parking lot and they
 131 have decreased the impervious of the parking lot by adding landscaping around the building.
 132 Mr. Zamora stated that there will be additional drainage around the building.
 133

134 Getra Thomanson, Project Manager, stated that the hours of operation were from 6:30 a.m.
 135 until 10:00 p.m., Monday through Saturday. Mr. Blakley asked for clarification on the
 136 drainage. Mr. Jerry Zamora, Civil Engineer, stated that the entire systems collects and flows
 137 out to Northlake Boulevard; he stated that on the north side of the shopping center, new
 138 inlets have been created; between the inlets, a french drain system has been created which
 139 handles a 5 year storm. He further stated that anything in excess will go into the pipe system
 140 of the shopping center.
 141

142 Mr. Dubois made a motion to approve Variance B to reduce parking by 28 spaces. Ms.
 143 McConville seconded the motion.
 144

	Aye	Nay
Jeff Blakely	X	
James Dubois	X	
Edie McConville	X	
Jeanine Longtin	X	
Diane Munroe	X	

145 **Motion carried 5-0**
 146

147 C. A Site Plan Application filed by Corporate Property Services, agent for Chick-fil-A, to
 148 erect a fast food restaurant of 4,021 square feet on 0.56 acre outparcel located at 1220
 149 Northlake Blvd.
 150

151 Mr. Craig McDonald stated that this site plan had been through 3 Community Development
 152 Directors and that they have moved the building several times, but have kept in mind the
 153 NBOZ guidelines, reduced the size of their signage to 6 feet, and have tried to comply with
 154 the street theme of landscaping with planting Oaks. Mr. Dubois stated that he would like a

155 condition on the site plan that if the project did not move forward within a year that the
156 project would lose their reserve water capacity with Seacoast. Mr. Dubois stated that he
157 would love to see some improvement with the bus stop. Mr. McDonald stated that signage
158 would appear on the north, south, east and west of the building, and the monument sign
159 would have the same font and colors. The sign would be internally illuminated.
160

161 Ms. Thomason, Project Manager, stated that Chick-fil-A has a very extensive security
162 system, as well as cameras posted on the back of back of the building and from light poles.
163 Commissioner Ed Daly stated that when they were discussing Target, it was mentioned that
164 possibly there could be entrance from the K-Mart Plaza into Target so that traffic could be
165 eliminated. Craig McDonald mentioned the large water retention area and also the fact was
166 brought up that Palm Beach Gardens owns the parcel of land for the parking lot. Mr.
167 Blakely asked that Mr. McDonald perhaps could look into providing shade for the bus stop,
168 and Mr. McDonald said that they could provide a tree.
169

170 Ms. McConville made a motion that the Site Plan for Chick-fil-A be approved with one
171 condition that they have one (1) year to comply with the project, or they need to go back and
172 address Seacoast that has given them a letter for reserve water capacity. Ms. McConville
173 requested that she amend her motion to include a weather proof covering for the bus stop on
174 Northlake Blvd. Seconded by Jeanine Longtin.
175

	Aye	Nay
Jeff Blakely	X	
James Dubois	X	
Edie McConville	X	
Jeanine Longtin	X	
Diane Munroe	X	

176 **Motion carried 5-0**
177

178 Ms. McConville stated that the Town was looking forward to a good neighbor policy and
179 doing business with Chick-fil-A and would appreciate your generosity in the community
180 with some of the Lake Park Elementary and Lake Park Baptist School Children.
181

182 **D.** A Site Plan Application filed by T & M Design, agent for LPJ Properties, to erect a
183 10,293 square foot office/warehouse facility at the west end of Gateway Road, off Old Dixie
184 Highway.
185

186 Mr. Sullivan stated that this project was in the C-4 district and the project was at the end of
187 Gateway Road. Mr. Sullivan turned the project over to Jack Potrekus. Mr. Potrekus stated
188 that behind this property on the south end was the new Target. Mr. Potrekus stated that this
189 project was just over 10,000 square feet of office/warehouse space. Mr. Potrekus pointed
190 out features of the building and the traffic circulation, and stated that everything had been
191 reviewed by CG&A and staff. Mr. Sullivan stated that at this time no application for
192 signage had been received and that it might be a good idea to set a condition that all fonts
193 and colors be consistent. The Staff Report is attached, marked Exhibit "B" and made a part
194 of these minutes. Mr. Potrekus stated that they hoped to attract such businesses as air

195 conditioning and electrical contractors, and they would have cameras around the complete
196 building and an alarm system within the building. Mr. Potrekrus stated that they would like
197 to have signage above the bays and that it would be uniform in design and color. The air
198 conditioning units would be situated on the roof and would be screened.
199

200 Mr. Blakely stated that he liked the building, but was discouraged with the landscaping; two
201 easements, one on the north side and one the west side which precludes you from planting as
202 per code in those easements with trees. Mr. Blakely stated that he felt it was unacceptable
203 and uncreative. Mr. Blakely suggested that maybe cement culverts which could be cut in
204 half with the bell shape on the bottom which would be large enough to accept a root ball,
205 stucco it, put a cap on it, make an architectural features out of it so that it looks as though it
206 was a planned portion of the landscape. Since the bell bottom is open, the roots can go out
207 to the surrounding area. Mr. Potrekrus stated that they would do whatever is acceptable to
208 Seacoast Utilities in that they are building on an easement. Mr. Potrekrus stated that
209 Seacoast would allow them to plant all the ground covering they want, but not to plant trees,
210 and that is why they went to the potted landscape. Mr. Blakely asked the applicant to plant a
211 variety and more plantings around the entrance to the building, and come back with a
212 revised landscape plan.
213

214 Ms. McConville made a motion that we approve the Site Plan Application with the condition
215 that the hedge and ground covering having more variety, additional landscaping added to the
216 entrance of the building, and the new landscape plan be reviewed by Mr. Blakely and
217 Patrick Sullivan; and also, that the air conditioning units be hidden from view. Mr. Dubois
218 seconded the motion. Diane Weibert, Palm Beach County Fire Rescue, identified herself for
219 the record, and wanted to know if the applicant understood that the building had to have a
220 fire sprinkler system and a UL approved monitored fire alarm system. Mr. Potrekrus stated
221 that he understood that and agreed.
222

	Aye	Nay
Jeff Blakely	X	
James Dubois	X	
Eddie McConville	X	
Jeanine Longtin	X	
Diane Munroe	X	

223 **Motion carried 5-0**
224

225 **VII. Community Development Director Comments** 226

227 Mr. Sullivan stated that we needed to discuss whether to hear variances and site plans at the
228 same meeting. Mr. Blakely stated that he had spoke to Patrick about this and felt that entire
229 board should discuss this issue. Ms. McConville expressed that she thought it should be two
230 separate meetings. Ms. Longtin felt that it went well tonight and felt it would be more for
231 the applicant to deal with having to attend two separate meetings. Mr. Dubois stated that he
232 felt the board could handle both at the same meeting. Ms. Munroe felt she could be flexible.
233 Mr. Blakely stated that he thought the board could continue to hear both at the same
234 meeting. Mr. Sullivan reminded the board that Lake Park is now part of the Bio Science and

230 Governor has put forth is that he wants this area to be more sensitive to the bio-tech clusters
237 and that we needed to provide some sort of expedited process, especially since these projects
238 will be located in the C-4 and Clic zoning areas. Mr. Sullivan stated that if we hear a
239 variance one month and the site plan the next, then it still has to go to town commission we
240 would not be expediting the process. Mr. Sullivan suggested that the board continue the
241 way they have been doing it. Ms. Roselli stated that it had been her experienced that
242 variances and site plans are reviewed at the same meeting. Mr. Sullivan stated that he and
243 Mr. Blakely have initiated a communication schedule that hopefully will avoid some of the
244 issues that the board has had in the past.

245
246 Mr. Sullivan stated to the Board that a joint meeting between the Village of North Palm
247 Beach and the Town of Lake Park will be coming up to review elevation changes for the
248 Commerce Bank located on Northlake Blvd., which was formerly the Palm Beach County
249 Bank.

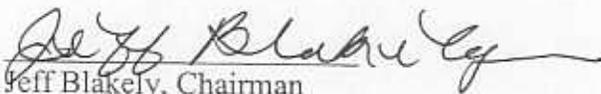
250
251 Mr. Dubois stated that there was a chainlink fence between the pond in back of Target and
252 Congress Avenue and the fencing was falling down and asked if there was some way this
253 fence could be taken down. Mr. Sullivan stated that he would see what he could do.

254
255 Ms. McConville asked about the landscape plan for the library. Mr. Blakely said he made
256 the corrections the next day and sent a fax to Paul Carlisle. Ms. McConville said that the
257 library board was under the impression the plans had to go back to Planning & Zoning. Mr.
258 Sullivan said that was not true, and he would try and find out just where the plans are.

259
260 Ms. Longtin stated for the record that the draft minutes will go before the commission prior
261 to the commission meeting on said project.

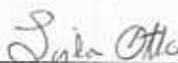
262
263 Ms. Longtin asked where the new alternate was and whether he was excused. The clerk
264 stated that she would talk to the Town Clerk and see who decides when a member is marked
265 absent or excused.

266
267 Ms. McConville made a motion to adjourn the meeting. Seconded by Ms. Munroe. The
268 meeting was adjourned at 9:15 p.m.

269
270 
271 Jeff Blakely, Chairman

272
273 Approved on: Sept. 11 2006

274
275 Attest:

276
277 
278
279
280



"Jewel" of the Palm Beaches

TOWN LAKE OF PARK PLANNING AND ZONING BOARD

Meeting Date: July 10, 2006

Date Prepared: June 22, 2006

VARIANCES and SITE PLAN: Chick-fil-A

APPLICANT'S REQUEST: A request by Corporate Property Services Inc., agent for Chick-fil-A Inc. ("Applicant"), requesting: (1) site plan approval to develop an out-parcel and construct a fast food, drive through restaurant at 1220 Northlake Boulevard and

(2) the following two variances: (a). Relief from the parking requirements of Code Section 78-142 to allow for use of parking spaces on, and adjacent to, the outparcel. (b). Relief from the requirements of Code Section 78-253 (h) pertaining to landscape buffer width requirement of 15 feet to 5 feet along Northlake Boulevard.

1. VARIANCES

STAFF'S RECOMMENDATION: Staff has reviewed the variance requests in conjunction with the criteria listed in Section 78-185 of the Town's Code of Ordinances and has determined the following:

Variance 1: Parking. Staff *recommends APPROVAL of the variance*

Variance 2: Landscape buffer. Staff *recommends APPROVAL of the variance*

2. SITE PLAN

STAFF'S RECOMMENDATION: Staff finds the site plan request to be consistent with the Town's Code of Ordinances. Staff recommends the Planning and Zoning Board forward the petition to the Town Commission with a *recommendation of APPROVAL with the following conditions:*

1. Prior to issuance of the first Certificate of Occupancy, the Applicant shall provide certification from the Landscape Architect of record, that the installations on site are in accordance with the plans approved by the Town Commission, inclusive of any additional modifications as set by the Planning and Zoning Board and Town Commission.
2. Prior to the issuance of any building permit, a letter of compliance with Palm Beach County impact fees, and a letter of no impact from Seacoast Utility Authority, will be required.

3. The Owner shall install all improvements in compliance with the attached plans/drawings or authorized revisions as noted in sections 4. & 5. below:
 - a. Site Plan and Architectural plans, referenced as sheets "C-1 through C-4", dated 11-10-05, prepared by Edward M Ghezzi, PA , received and dated by the Department of Community Development on 6-15-06.
 - b. Landscape Plan & Irrigation Plan, referenced as sheet "LP-1 through LP-3" and I-1 through I-2, dated 11-15-05 prepared by Witkin Design Group, who is the landscape architect of record for the Project, received and dated by the Department of Community Development on 5-12-06.
 - c. Statement of use, dated 11-15-05, prepared by SC Lake Park Associates, LLLP, received and dated by the Department of Community Development on 4-4-06.
4. Any revisions to the site plan, landscape plan, elevations, signs, statement of use or other details submitted as part of this Application, including but not limited to the location of the proposed improvements or additional, revised or deleted colors, materials, or structures, shall be submitted to the Department of Community Development (hereinafter the "Department") and be subject to its review and approval.
5. Any condition which is associated with the re-submittal of final plans shall be subject to the Department's review and approval.
6. Prior to the issuance of a building permit the Owner must provide copies of all required agency permits to the Department, including but not limited to, all required permits from the South Florida Water Management District.

The Applicant wishes to construct a Chick-fil-A restaurant on an outparcel at the Kmart shopping plaza at 1220 Northlake Blvd.

BACKGROUND:

Applicant(s):	Corporate Property Services, Inc for Chick-fil-A, Inc.
Owner(s):	SC Lake Park Associates, LLP
Address/Location:	1220 Northlake Boulevard
Net Acreage:	.555 acres (outparcel)
Legal Description:	See application
Existing Zoning:	C-1 Business District
Future Land Use:	Commercial

Adjacent Zoning

North:	Village of North Palm Beach - Business District
South:	C-4
East:	C-1
West:	C-1 PUD

Adjacent Existing Land Use

North:	Village of North Palm Beach - Business District
South:	Various commercial
East:	Hess gas station
West:	Target

VARIANCES

The Applicant is requesting two (2) variances to assist in the development of an outparcel on the Kmart shopping parcel for the purpose of erecting a fast food restaurant. The variances and their respective criteria have been separated to ease the understanding of the issues. The variances request:

1. Relief from the parking requirements of Code Section 78-142 to allow for a reduction of 28 parking spaces from the overall number required for the Shopping Center.
2. Relief from the landscape buffer width requirement of Code Section 78-253 (h) along Northlake Boulevard.

VARIANCE 1: Parking

The applicant is requesting relief from the parking standards in Section 78-142 that requires 872 parking spaces for the various existing Shopping Center uses and the new Chick-fil-A building. The County requirement for a right turn lane into the site off of Northlake Blvd and subsequent parking space realignment in the parking lot has resulted in the loss of 28 spaces. There is anecdotal and empirical evidence that the shopping center has an over abundance of parking spaces. Regular observation indicates that much of the front area of the parking lot is rarely if ever used. The most recent Urban Land Institute evaluation of shopping center parking lot needs has suggested that our code requirement of 5 spaces per 1000 sq ft provides for too many spaces. ULI recommends 4.3 per 1000 square feet (Parking Requirements for Shopping Centers, 2nd Ed. 1999). The granting of these variances will allow the project to move forward and as a result will provide for safer access of Northlake Boulevard with the addition of a right turn lane and will provide for a significant amount of landscaping that does not now exist.

Analysis of Criteria and Findings for Variance as stated in the Town of Lake Park Code of Ordinances, Sec. 78-185, conditions for variances. Variances may only be granted when all of the following criteria are found to exist:

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

APPLICANT ANALYSIS:

As a result of the PBC Traffic Performance Standards, the overall shopping center main drive aisle and parking lot have been reconfigured in order to comply with PBC Engineering Standards. To accomplish this Chick-fil-A must add a curb cut into the Chick-fil-A site from the main shopping center drive aisle. The minimum driveway throat distance before an internal access drive aisle is one

hundred feet. Therefore, the overall parking calculation for the shopping center, including Chick-fil-A, has been reduced in order to comply with these requirements. Once again, this is a special condition that is peculiar to this shopping center.

STAFF FINDING: Staff sees the special circumstance to be the requirement of a right turn lane which changes the interior traffic flow and requires the elimination of parking spaces in the interior of the lot to comply with the County traffic requirements.

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

**APPLICANT
ANALYSIS:**

The installation of the right turn lane and the one hundred foot minimum throat distance for the main driveway, as well as the curb cut into the Chick-fil-A site, has resulted in parking lot reconfigurations. The reconfiguration of the main driveway and parking lot area has caused a reduction of 28 overall parking spaces, which is a 3% deviation from the parking requirements. The reduction of twenty-eight parking spaces is the result of PBC Traffic Engineering Requirements and comments and not the actions of the applicant.

STAFF FINDING: The special circumstances are being imposed by Palm Beach County Traffic Engineering. The only cure for the applicant is to not build. Changing the layout or the size of the building would still not provide enough spaces.

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

**APPLICANT
ANALYSIS:**

The variance, if granted is situational to this circumstance. Granting of the variance in order to allow an overall 28 space parking reduction would not confer any special privilege on the applicant. The requirements of Palm Beach County Traffic

Engineering for a turn lane and DRC comments are the direct result of the loss of 28 spaces.

STAFF FINDING: The applicant has reconfigured areas in the back of the building to decrease the number of spaces lost. There is not, however, enough space on the lot to meet the demand of 872 required spaces. The Urban Land Institute recommends 4.3 spaces for 1000 square feet which would translate into a requirement of 712 spaces for the site. It is staff's opinion that the loss of 28 spaces is not significant given the massive number of spaces available in the parking lot along with their consistent underutilization.

CRITERIA 4: That literal interpretation of the provisions of Code Section 78-142 would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of Code Section 78-142 and would work unnecessary and undue hardship on the Applicant;

APPLICANT ANALYSIS: A literal interpretation of the zoning Code Section 78-142 would result in an undue hardship on the applicant. It is not possible to provide the required parking and comply with the Palm Beach County Traffic Engineering requirements for the turn lane and the minimum main driveway throat distance, as well as a direct curb cut into the Chick-fil-A site.

STAFF FINDING: In order to maintain safe and efficient flow through the parking lot it is necessary to eliminate some parking spaces. The elimination of those spaces provides a safer and more intuitive use of the parking lot. A literal interpretation would not allow for this reduction in spaces in exchange for safer traffic circulation (longer throat, direct access to the Chic-fil-A site).

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

APPLICANT ANALYSIS: The Applicant has utilized every square foot of that is available for parking. Reduction of the required parking by 28 spaces is the minimum variance necessary in order to comply with Palm Beach

County's requirement for a turn lane and modifications to the main shopping center drive aisle. The Kmart shopping center has a large portion of its parking lot consistently vacant which would be available for use by Chic-fil-A. Therefore, a reduction of the overall required parking for the shopping center and Chick-fil-A is the minimum necessary that will allow reasonable use of the land.

STAFF FINDING: Applicant has made every attempt to fit as many parking spaces as possible on the site without sacrificing safety and ease of traffic flow. Reducing the size of the building will not eliminate the need for the additional spaces. Currently the applicant is only utilizing 2,100 square feet of customer service area. A significant reduction in that square footage will render the business inoperable and economically unfeasible.

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

**APPLICANT
ANALYSIS:**

Granting of the requested variance for the reduction of 28 overall parking spaces will comply with the intent of the Zoning Code, since these current parking spaces are very rarely used. Granting of this variance will certainly not be injurious to the neighborhood or detrimental to the public welfare. The granting of this variance will allow the project to move forward and provide the Town and its residents an alternative to the typical fast food restaurants.

STAFF FINDING: Reducing an 872 parking space lot to 844 spaces that results in increased landscaping and provisions for safe and intuitive traffic circulation meets the general intent of Code Section 78-142. That section of the code states that

“...It is the intent of this section to provide for the health, safety, welfare and convenience of the public by requiring each development to provide minimum lands to accommodate the parking, loading, queuing and on-site circulation problems created by motor vehicles.”

The proposed change to the Shopping Center parking lot is still in compliance with this intent as it allows for safety and landscaping features that otherwise will not be built. The “public” stands to gain more from allowing the proposed improvements through variance approvals than from the alternative which is no development at all.

VARIANCE 2: Landscape buffer width

The Applicant is requesting relief from Section 78-253 Minimum Landscape requirements, "(h) *Planting*. (1) A landscaped buffer shall be a minimum of eight (8) feet in depth around the perimeter of a parcel; provided, however, a landscaped buffer of fifteen (15) feet in depth shall be required on lands located adjacent to public street rights-of-way." The Applicant is requesting reduced landscape buffer along Northlake Boulevard from 15 feet to 5 feet.

Analysis of Criteria and Findings for Variance as stated in the Town of Lake Park Code of Ordinances, Sec. 78-185. Conditions for variances. Variances may only be granted when all of the following criteria are found to exist:

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

**APPLICANT
ANALYSIS:**

The proposed Chick-fil-A outparcel is located along Northlake Boulevard. The Palm Beach County Traffic Engineering Division reviewed the proposed outparcel for Traffic Concurrency. The PBC Traffic Division determined the outparcel meets the Traffic Performance Standards of Palm Beach County for a 4,300 square foot fast food restaurant subject to the installation of the right hand turn lane into the main shopping center access drive. Due to this condition of approval, the existing 15 foot landscape buffer will have to be reduced in order to construct the required turn lane.

STAFF FINDING: The right turn lane requirement is a special and unavoidable circumstance.

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

**APPLICANT
ANALYSIS:**

The reduction in the landscape buffer along Northlake Boulevard is not the result of the Applicant, but a result of the turn lane requirement of the Palm Beach County Traffic Engineering Division. Due to the fact that the shopping center is existing, the only way to accommodate the right turn lane is to reduce the width of the landscape buffer.

STAFF FINDING: The special conditions are caused by the increased traffic on Northlake Blvd. The increase in traffic along Northlake is a result of increased growth along the Northlake corridor and beyond. The applicant could not cause or anticipate this particular circumstance.

CRITERIA 3: That granting the variance requested will not confer on the Applicant any special privilege that is denied by the Town Code Section 78-253 (h) to other lands, buildings or structures in the same zoning district;

APPLICANT ANALYSIS: The Applicant is asking for a permitted use in the district. The Applicant is being required by Palm Beach County to install a turn lane which has caused the hardship and thus variance request. By granting the variance, the Town would allow the proposed Project to move forward and help revitalize the existing shopping center, while at the same time having right-of-way improvements completed which will benefit the Town.

STAFF FINDING: Most if not all parcels in the C-1 district have difficulty providing a full 15 feet of buffer between along the front of their properties and still retain a viable space to provide for parking in order to remain viable businesses. Reduced buffers are common in this district and dependent on pre-existing parking lot configurations as is this site.

CRITERIA 4: That literal interpretation of the provisions of Code Section 78-253 (h) would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the Applicant;

APPLICANT ANALYSIS: Literal interpretation of Code Section 78-253 (h) would result in the row of parking along Northlake Boulevard being removed, in order to accommodate the fifteen foot landscape buffer and turn lane. In turn, the overall shopping center would be even further deficient with regard to the required parking. Enforcement of the required fifteen foot landscape buffer would place an undue hardship on the Applicant due to the fact the turn lane is a requirement of Palm Beach County.

STAFF FINDING: A literal interpretation would eliminate the development of this area. Under the circumstances the choice is parking spaces or

buffer width. Both are hardships created by the County requirement for the right turn lane.

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

APPLICANT ANALYSIS: The Applicant is requesting the minimal variance as can be anticipated as there is no room for the expansion of the landscape buffer width.

STAFF FINDING: The placement of the right turn lane dictates the area available for buffer width.

CRITERIA 6: That the grant of the variance will be in harmony with the general intent and purpose of Code Section 78-253 (h) and the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

APPLICANT ANALYSIS: The reduced public right-of-way landscape buffer is an existing condition and will have no effect on the surrounding areas let alone be injurious to public welfare.

STAFF FINDING: There will be a significant increase in landscaped area where none has existed if this project proceeds. It will provide a positive, aesthetically pleasing addition to this area on an otherwise barren parking lot.

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

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

Future Land Use Element

Objective 1 (3): The Town shall encourage redevelopment, renewal, or renovation, where and when necessary, and
(4) discourage the proliferation of urban sprawl

The Applicant is proposing to redevelop part of a greyfield (shopping center parking lot) with an attractively designed building and significant landscaping on Northlake Boulevard in an area that is already densely developed. This follows the Future Land Use Element's directive to discourage urban sprawl while encouraging renewal.

PROJECT DETAILS (see accompanying site plan):

Building Site

The building site is on a .555 acre outparcel located in the Kmart Plaza and fronting along Northlake Boulevard. Currently the site is an asphalt parking lot that provides 45 spaces for the Kmart Shopping Center.

Site Access

The site's main vehicular access is located on Northlake Boulevard. The Palm Beach County Traffic Engineering Division reviewed the proposed outparcel for Traffic Concurrence. The PBC Traffic Division determined the outparcel meets the Traffic Performance Standards of Palm Beach County for a 4,300 square foot fast food restaurant subject to the installation of the right hand turn lane into the main shopping center access drive.

Signage (colored renderings are included with the site plans).

The Applicant is proposing a single monument sign on Northlake Blvd. The style and height of the monument will be in scale with the building Section 70-103 (o) allows for one freestanding sign per building. The building sits on its own parcel and is allowed a site sign.

The Applicant is also proposing wall signs which meet the Sign Code as prescribed in Section 70-103 (n) of the Code of Ordinances.

Landscaping/Buffering

The Applicant is requesting a 10 foot variance from the landscape buffer along Northlake Boulevard to provide for a 5 foot buffer instead of the required 15 foot buffer due to the requirement of adding a turn lane. A landscaping plan that complies with the basic requirements of the Code Section 78-251 has been provided.

Drainage

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

Parking /Circulation

As a result of the PBC Traffic Performance Standards, the overall shopping center main drive aisle and parking lot have been reconfigured in order to comply with PBC Engineering Standards. Chick-fil-A will add a curb cut into the Chick-fil-A site from the main shopping center drive aisle. The minimum driveway throat distance before an internal access drive aisle is one hundred feet. Chick-fil-A has received written permission to utilize additional spaces surrounding the site so that it will have 45 dedicated spaces available to it. The site provides for a drive through with adequate stacking as required by the Code in Section 78-142 (c) (11).

RECOMMENDATIONS:

1. VARIANCES

STAFF'S RECOMMENDATION: Staff has reviewed the variance requests in conjunction with the criteria listed in Section 78-185 of the Town's Code of Ordinances and has determined the following:

Variance 1: Parking. Staff *recommends APPROVAL of the variance*

Variance 2: Landscape buffer. Staff *recommends APPROVAL of the variance*

2. SITE PLAN

STAFF'S RECOMMENDATION: Staff finds the site plan request to be consistent with the Town's Code of Ordinances. Staff recommends the Planning and Zoning Board forward the petition to the Town Commission with a *recommendation of APPROVAL with the following conditions:*

1. Prior to issuance of the first Certificate of Occupancy, the Applicant shall provide certification from the Landscape Architect of record, that the installations on site are in accordance with the plans approved by the Town Commission, inclusive of any additional modifications as set by the Planning and Zoning Board and Town Commission.
2. Prior to the issuance of any building permit, a letter of compliance with Palm Beach County impact fees, and a letter of no impact from Seacoast Utility Authority, will be required.
3. The Owner shall install all improvements in compliance with the attached plans/drawings or their authorized revisions as noted in sections 4. & 5. below:
 - a. Site Plan and Architectural plans, referenced as sheets "C-1 through C-4", dated 11-10-05, prepared by Edward M Ghezzi, PA , received and dated by the Department of Community Development on 6-15-06.
 - b. Landscape Plan & Irrigation Plan, referenced as sheet "LP-1 through LP-3" and I-1 through I-2, dated 11-15-05 prepared by Witkin Design Group, who is the landscape architect of record for the Project, received and dated by the Department of Community Development on 5-12-06.
 - c. Statement of use, dated 11-15-05, prepared by SC Lake Park Associates, LLLP, received and dated by the Department of Community Development on 4-4-06.
4. Any revisions to the site plan, landscape plan, elevations, signs, statement of use or other details submitted as part of this Application, including but not limited to the location of the proposed improvements or additional, revised or deleted colors, materials, or structures, shall be submitted to the Department of Community Development (hereinafter the "Department") and be subject to its review and approval.
5. Any condition which is associated with the re-submittal of final plans shall be subject to the Department's review and approval.
6. Prior to the issuance of a building permit the Owner must provide copies of all required agency permits to the Department, including but not limited to, all required permits from the South Florida Water Management District.



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

Meeting Date: July 10, 2006
Date Prepared: June 21, 2006

SITE PLAN: New construction of a 10,293 square foot office/warehouse complex to be known as "Gateway Park" in the C-4 Zoning District.

APPLICANT'S REQUEST: A request by, Jack Potrekus ("Applicant"), as the agent for the property owner, LPJ Properties, Inc. ("Owner") for approval of a site plan for the construction of an approximately 10,293 square foot office/warehouse complex to be known as "Gateway Park." The site is located in the C-4 Zoning District, with a Future Land Use Designation of "Commercial." The subject property is located on 1.0 acres at XXX Gateway Road (Lot 8 of the Gateway Industrial Park off Old Dixie Highway) in the Town of Lake Park, Florida.

SITE PLAN

STAFF'S RECOMMENDATION: Staff finds the Site Plan request to be consistent with the Town's Code of Ordinances, and recommends the Planning and Zoning Board forward the Application to the Town Commission with a *recommendation of approval of the Site Plan with certain conditions as set forth herein.*

BACKGROUND:

Applicant(s): Jack Potrekus
Owner(s): LPJ Properties, Inc.
Address/Location: XXX Gateway Road
Net Acreage: 1.0 acres
Legal Description: See application
Existing Zoning: C-4
Future Land Use: Commercial

Adjacent Zoning

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

Adjacent Existing Land Use

North: Car Repair
South: Warehouse
East: Palm Beach Grading
West: Vacant/Retention Area

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

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

Future Land Use Element

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

The Applicant is proposing to build an office/warehouse complex which is a permitted use in the C-4 Zoning District.

PROJECT DETAILS (see attached site plans):

Building Site

The 1.0 acre site is currently vacant and has no distinguishing characteristics. The Site fronts on Gateway Road off of Old Dixie Highway.

Site Access

There will be one entrance to the site off of Gateway Road. There will be two (2) internal ingress/egress points. There will be a main entrance for customers and a one way service entrance that serves the back of the complex. Both are accessed from the main entrance.

Traffic Impact

The Town Engineer has determined that the use will have no significant impact, and therefore the Project meets the Traffic Performance Standards of Palm Beach County.

Signage

There is no freestanding signage proposed for the entrance to the complex off of Gateway Road.

Landscaping/Buffering

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

Drainage

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

Parking

The Site Plan depicts 23 regular parking spaces, and 1 handicapped parking space. The site proposal requires 23 parking spaces: 5 for the warehouse, 8 for office use, 9 for employees, 1 handicapped space will be provided. The site requires 1 off-street loading space and 2 are provided.

The service entrance will be one-way only and will have signs that limit access to trucks and employees only. Loading zones will have 30 minute time limits as they are parallel to the building. The roadway is 20 feet wide thus allowing for continued circulation if tractor trailer trucks utilize these spaces to unload.

RECOMMENDATIONS:

1. SITE PLAN

STAFF'S RECOMMENDATION: Staff finds the Site Plan Request satisfies the site plan criteria of the Town's Code of Ordinances. Staff recommends the Planning and Zoning Board forward the petition for site plan approval to the Town Commission with a *recommendation of approval of the site plan with the following conditions:*

1. Prior to issuance of the first Certificate of Occupancy, the Owner shall provide the Community Development Department with certification from the Landscape Architect of record, that the plant installations on site are in accordance with the landscape plans approved by the Town Commission as set forth herein.
2. Prior to the issuance of any building permit, the Owner shall provide the Community Development Department with a letter of compliance from Palm Beach County confirming that all required impact fees have been paid.
3. The Owner shall install all improvements in compliance with the attached plans/drawings or authorized revisions as noted in sections 4. & 5. below:
 - a. Site Plan & Architectural Elevations, Landscape Plan referenced as sheet "SP-1, A-1, SE-1", dated 5-26-06, prepared by T&M Design Architecture & Planning, who is the Architect, and landscape architect of record for the Project, Inc., received and dated by the Department of Community Development on 6-1-06.
 - b. Engineering Plans, referenced as sheet "C-1 through C-2-", dated 4/24/06 prepared by J-W Engineering, Inc., received and dated by the Department of Community Development on 6-1-06.
4. Any revisions to the site plan, landscape plan, elevations, signs, statement of use or other details submitted as part of this Application, including but not limited to the location of the proposed improvements or additional, revised or deleted colors, materials, or structures, shall be submitted to the Department of Community Development (hereinafter the "Department") and be subject to its review and approval.

5. Any condition which is associated with the re-submittal of final plans shall be subject to the Department's review and approval.

6. Prior to the issuance of a building permit the Owner must provide copies of all required agency permits to the Department, including but not limited to, all required permits from the South Florida Water Management District.