



Minutes
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, July 2, 2014, 7:00 PM
Town Commission Chamber, 535 Park Avenue

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, July 2, 2014 at 7:00 p.m. Present were Mayor James DuBois, Vice-Mayor Kimberly Glas-Castro, Commissioners Erin Flaherty, and Kathleen Rapoza, Town Manager Dale S. Sugerman, Attorney Thomas Baird, and Town Clerk Vivian Mendez. Commissioner Michael O'Rourke was absent.

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

SPECIAL PRESENTATIONS/REPORTS:

None

PUBLIC COMMENT:

Ben Frazier, 527 Sabal Palm Drive was seeking support of the national initiative for "Strengthen Family Dinners Week" that is being held September 21st through 28th.

Mayor DuBois suggested that Mr. Frazier provide him with the information to review.

CONSENT AGENDA:

1. **Regular Commission Meeting Minutes of June 18, 2014.**
2. **Resolution No. 18-07-14 Authorizing and Directing the Mayor to Execute an Interlocal Agreement with Palm Beach County for Participation in the Urban County Program for FY 2015-2017.**

Motion: Commissioner Flaherty moved to approve the Consent Agenda; Vice-Mayor Glas-Castro seconded the motion.

Vote on Motion:

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

Motion passed 4-0.

PUBLIC HEARINGS - ORDINANCES ON FIRST READING:

3. **Ordinance No. 08-2014 Amending Chapter 2, Article II, Division 1, Section 2-32, Entitled "Mayor and Vice-Mayor" Pertaining to the Declaration of a State of Emergency**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 2, ARTICLE II, DIVISION 1, SECTION 2-32, ENTITLED “MAYOR AND VICE MAYOR” PERTAINING TO THE DECLARATION OF A STATE OF EMERGENCY; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Sugerman explained the item (see attached Exhibit “A”).

Public Comment Open:

None

Public Comment Closed:

Motion: Commissioner Flaherty moved to approve Ordinance No. 08-2014 on First Reading; Commissioner Rapoza seconded the motion.

Vote on Motion:

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

Motion passed 4-0.

Attorney Baird read the Ordinance into the record by title only.

4. Ordinance No. 09-2014 Repealing Chapter 78, Appendix A, Article I, Division 4, Section 4-3(D) of the Town Code of Ordinances Thereby Eliminating the Compliance Date of July 5, 2014 for Nonconforming Landscape Parcels that Do Not Meet the Definition of a Substantial Modification or New Development.

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78, APPENDIX A, ARTICLE I, DIVISION 4, SECTION 4-3 OF THE TOWN’S CODE OF ORDINANCES TO ELIMINATE SUBSECTION ‘D’ THEREOF REQUIRING LANDSCAPING COMPLIANCE WITHIN A PRESCRIBED TIMEFRAME; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Sugerman and Community Development Director Nadia DiTommaso explained the item (see attached Exhibit “B”).

Commissioner Flaherty asked if property owners would be required to comply with the regulations if they were to redevelop a substantial portion of their property.

Community Development Director DiTommaso stated “yes” and explained that any redevelopment of greater than 50 percent of the assessed property value would require a property owner to comply with the regulations.

Town Manager Sugerman clarified that these regulations are part of the Town general Code requirement, not just the Northlake Boulevard Overlay Zone (NBOZ) requirement; therefore, property owners would be required to comply if they applied for any redevelopment of greater than 50 percent of the assessed property value.

Public Comment Open:

None

Public Comment Closed:

Motion: Commissioner Rapoza moved to approve Ordinance No. 09-2014 on First Reading; Commissioner Flaherty seconded the motion.

Vice-Mayor Glas-Castro explained why she supported the Ordinance.

Vote on Motion:

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

Motion passed 4-0.

Attorney Baird read the Ordinance into the record by title only.

PUBLIC HEARINGS - ORDINANCE ON SECOND READING:
QUASI-JUDICIAL HEARINGS

5. Ordinance No. 07-2014 An Application to Rezone a Vacant 28.66± Acre Lot Along Congress Avenue from a Commercial-2 (C-2) Business District to a Planned Unit Development (PUD).

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA REZONING THE PROPERTY OWNED BY CONGRESS AVENUE PROPERTIES LTD. TO BE KNOWN AS THE CONGRESS BUSINESS PARK, LEGALLY DESCRIBED IN EXHIBIT “A”, FROM COMMERCIAL-2 (“C-2”) TO PLANNED UNIT DEVELOPMENT (“PUD”) AND AMENDING THE OFFICIAL ZONING MAP TO REFLECT THE REZONING; AND PROVIDING FOR AN EFFECTIVE DATE.

Disclosure of Ex-Parte Communications:

Commissioner Flaherty had no Ex-Parte communication to disclose.

Commissioner Rapoza had no Ex-Parte communication to disclose.

Vice-Mayor Glas-Castro explained that she had no communication to disclose since the previous Commission meeting. She explained that her sister-in-law is the agent for the applicant and that there are no conflicts of interest.

Mayor DuBois had no Ex-Parte communication to disclose.

Town Attorney Baird swore in all witnesses.

Dodi Glas of Gentile, Glas, Holloway, O'Mahoney explained the item (see attached Exhibit "C").

Discussion ensued between the Commission, staff, and Ms. Glas regarding the project.

Public Comment:

None

Public Comment Closed:

Motion: Vice-Mayor Glas-Castro moved to approve Ordinance No. 07-2014 on Second Reading; Commissioner Rapoza seconded the motion.

Vote on Motion:

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

Motion passed 4-0.

Attorney Baird read the Ordinance into the record by title only.

QUASI-JUDICIAL HEARINGS - RESOLUTIONS:

6. Resolution No. 16-06-14 Requested by Gentile, Glas, Holloway, O'Mahoney and Associates, as the Agent for the Applicant, Congress Avenue Properties LTD., for the Approval of a Planned Unit Development (PUD) Master Site Plan, "Congress Business Park PUD", for a Property Located on the Southeast Corner of North Congress Avenue and Watertower Road.

Discussion ensued between the Commission, staff, and Ms. Glas regarding the master site plan.

The Commission included the following conditions to Resolution 16-06-14:

8. Following of approval of individual site plans the owner shall submit an updated master plan.

9. Requiring the applicant to modify the master plan to show the pedestrian circulation system.

10. Individual site plans shall incorporate pedestrian amenities and spaces.

11. No fencing around the retention areas.

Motion: Commissioner Flaherty moved to approve Resolution 16-06-14 as amended; Commissioner Rapoza seconded the motion.

Vote on Motion:

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

Motion passed 4-0.

TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:

Town Attorney Baird wished everyone a happy Fourth of July.

Town Manager Sugerman provided a status report on the Crime Watch signs that are located around the Town as requested by the Mayor at the last meeting. He explained that the Palm Beach County Sheriff's Office (PBSO) has provided four (4) additional signs.

The Commission asked Lt. Vassalotti to replace deteriorated signs and suggest additional locations where the additional signs would be most effective.

Town Manager Sugerman reminded the Commission to fill out their legislative priorities form and return them to him. He stated that the Northern Palm Beach County Chamber of Commerce is working with Starmark on a branding initiative for the northern section of Palm Beach County and are requesting the Town's support. The Commission requested additional information before making a decision on supporting the initiative and allocating funds.

Commissioner Rapoza congratulated Mr. & Mrs. Anderson for being selected "Property of the Month". She wished everyone a happy Fourth of July.

Commissioner Flaherty wished everyone a happy Fourth of July.

Vice-Mayor Glas-Castro thanked staff for a great Sunset Celebration. She wished everyone a happy Fourth of July.

Mayor DuBois explained that during the last Sunset Celebration he was invited to give a speech at a "Peace and Feast" fest in Riviera Beach. He stated that a few days earlier he heard the Town Manager give a speech, which inspired him to write and deliver his own

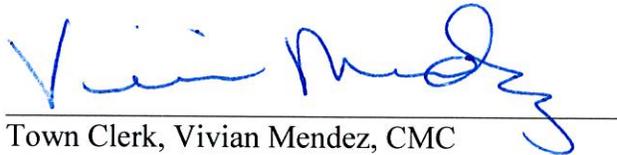
speech with purpose. He explained that he participated in a conference call regarding the update of the Federal Emergency Management Agency (FEMA) flood maps. He offered his condolences to the family of Bert Bostrom who passed away on June 21, 2014.

ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Rapoza and seconded by Commissioner Flaherty, and by unanimous vote, the meeting adjourned at 8:25 p.m.



Mayor James DuBois



Town Clerk, Vivian Mendez, CMC



Approved on this 16 of July, 2014



Town of Lake Park Town Commission

Exhibit "A"

Agenda Request Form

Meeting Date: July 2, 2014

Agenda Item No. Tab 3

Agenda Title: An Ordinance of the Town Commission of the Town of Lake Park, Florida, Amending Chapter 2, Article II, Division 1, Section 2-32, Entitled "Mayor and Vice Mayor" Pertaining to the Declaration of a State of Emergency

- [] SPECIAL PRESENTATION/REPORTS [] CONSENT AGENDA
[] BOARD APPOINTMENT [] OLD BUSINESS
[x] PUBLIC HEARING ORDINANCE ON 1st READING
[] NEW BUSINESS
[] OTHER:

Approved by Town Manager [Signature] Date: 6/20/14

Name/Title: [Signature] HUMAN RESOURCES DIRECTOR

Table with 3 columns: Originating Department (Human Resources), Costs (\$ -0-), Attachments (Ordinance 08 - 2014), Advertised (Not Required), and notification status (Not applicable in this case BMT).

Summary Explanation/Background:

Currently, the Town of Lake Park Code of Ordinances does not contain any language authorizing the Mayor or any other local official to declare a state of local emergency. The purpose of this agenda item is to amend the Town Code of Ordinances to empower the Mayor, the Vice Mayor, or in their absence the first available Commissioner of the Town under specific circumstances to declare that a state of emergency exists within the boundaries of the Town should such emergency or disaster situation exist, and to exercise the emergency powers authorized by Florida Statute.

The Town Manager believes that this Ordinance is in the best interest of the Town and necessary to further the public health, safety and welfare of its citizens, and recommends approval.

Recommended Motion: I move to approve Ordinance ^{***}08-2014 on first reading.



Town of Lake Park Town Commission

Agenda Request Form

Exhibit "B"

Meeting Date: July 2, 2014

Agenda Item No. *Tab 4*

Agenda Title: AN ORDINANCE REPEALING CHAPTER 78, APPENDIX A, ARTICLE I, DIVISION 4, SECTION 4-3(D) OF THE TOWN CODE OF ORDINANCES THEREBY ELIMINATING THE COMPLIANCE DATE OF JULY 5, 2014 FOR NONCONFORMING LANDSCAPE PARCELS THAT DO NOT MEET THE DEFINITION OF A SUBSTANTIAL MODIFICATION OR NEW DEVELOPMENT.

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- PUBLIC HEARING ORDINANCE ON 1st READING
- NEW BUSINESS
- OTHER: _____

Approved by Town Manager  Date: 6/23/14

Nadia Di Tommaso / Community Development Director 
Name/Title

Originating Department: Community Development	Costs: \$0 Funding Source: Acct. <input type="checkbox"/> Finance _____	Attachments: →ORDINANCE ⁰⁹ -2014 →Inventory of parcels
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:

As the Commission is no doubt aware, Northlake Boulevard has been designated to exist as a special zoning district. In particular, it is referred to as the Northlake Boulevard Overlay Zone (NBOZ) and all of the parcels of land fronting the south side of Northlake Boulevard must comply with any special regulations assigned to this zoning district.

The history on these parcels goes back approximately 30-50 years in time. Northlake Boulevard is the only corridor in the Town that *requires additional landscaping AND compliance within a specified timeframe* because it is part of the NBOZ, an overlay zone which has its own set of Code requirements in addition to the Town's general Code. For example, the NBOZ requires increased buffer widths of 20 feet for properties having at least 150 feet of frontage (instead of the general Code requirement of 15 feet which is still strenuous for these uniquely-sized parcels) and one tree per 30 feet for interior buffers instead of one tree per 40 feet which is the general code for interior lot lines. Therefore, let alone the fact that these uniquely-sized properties were, for the most part, built prior to the Town's GENERAL landscaping Code which was adopted in 1978 and modified over time, they naturally do not meet the NBOZ landscaping Code which also IMPOSES a compliance date. This Overlay is shared by Palm Beach County (PBC), the City of North Palm Beach (NPB) and the City of Palm Beach Gardens (PBG), who along with Lake Park, jointly represent the Northlake Boulevard TaskForce (NBTF). While PBC, PBG and NPB adopted the NBOZ guidelines in 1998, Lake Park only joined the NBTF and adopted the regulations on July 5, 2006.

The NBOZ landscaping regulations are very similar to the Town Code landscaping requirements, however, they do differ in certain areas, as briefly mentioned above. All other parcels in Town DO NOT have a set compliance date for landscaping, but rather this compliance is prompted by certain site modifications, which include substantial renovations.

Attached to this agenda item is an inventory of all 39 parcels located in the Town along the south side of Northlake Boulevard. Of these 39 parcels, only the new developments since the adoption date of the regulations namely, Target, L.A. Fitness and Chick Fil-A, were able to fully meet the NBOZ requirements. Even though Target and L.A. Fitness were built prior to 2006, these parcels were developed in such a way that the actual buildings are located in the Town however, the parking areas and perimeter landscape buffers are located in the City of Palm Beach Gardens, which already had the NBOZ in place when these sites were developed. The remaining parcels along Northlake Boulevard have been addressed over the years and the various property owners have worked with staff to incorporate additional plantings as was feasible, however, they are physically unable to meet all of the NBOZ landscape requirements due to lot size, parking requirements and circulation limitations, and may actually never be able to fully meet the NBOZ requirements until they are substantially redeveloped, or without waivers currently being granted.

As a business-friendly initiative, which is also considered a practical one given that almost all of the Town's properties located on the south side of Northlake Boulevard do not meet, and as currently configured, are unable to meet, all of the NBOZ landscaping requirements, staff is requesting that the Town Commission consider eliminating the compliance date of July 5, 2014 (i.e. 8 years from July 5, 2006), with the following understanding:

- (1) While the Code allows for administrative waivers for code sections that would otherwise interfere with the parking, or overall operation of the subject property's business, this will eliminate the need to administratively waive every single section of the NBOZ code for every single parcel that cannot meet the requirements at this point in time; and

- (2) Staff is continuing to work with 8 properties along the corridor regarding landscape maintenance and compliance issues according to the landscape plans we have on file and will continue to do so should any issues arise in the future with any additional parcels.
- (3) Eliminating the compliance date for parcels *now* does not eliminate the requirement for compliance (*or future waivers being granted*) if a parcel is *substantially renovated*:

Sec. 4-3. Nonconforming landscape areas.

A. *Nonconformities established.* All development constructed prior to the effective date of these regulations that do not conform with the provisions of this division shall be considered nonconforming.



1. If nonconforming landscaping is damaged or destroyed by any means to the extent of 50 percent or more of its replacement value at the time of the damage, the replacement landscaping and elements must conform to all of the provisions of this division.

B.

Maintenance. Nonconforming landscape areas are not exempt from minimum maintenance standards.

C.

Amendments to the approved plan. The following types of amendments to a previously approved development plan shall require the review of the landscape plan for the entire site using the minimum landscape standards in this division:



1. Increase in the total square footage of any building by more than 20 percent;
2. Increase in the number of structures; or
3. Increase in the building height of any building.

Staff intends on notifying the NBTF members of this proposed elimination if approved by the Town Commission.

Recommended Motion: I move to APPROVE Ordinance ⁰⁹___-2014 on first reading.



Town of Lake Park Town Commission

Agenda Request Form

Exhibit "C"

Meeting Date: July 2, 2014

Agenda Item No. *Tab 5*

AGENDA TITLE: AN APPLICATION TO REZONE A VACANT 28.66+ ACRE LOT ALONG CONGRESS AVENUE FROM A COMMERCIAL-2 (C-2) BUSINESS DISTRICT TO A PLANNED UNIT DEVELOPMENT (PUD).

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- QUASI-JUDICIAL PUBLIC HEARING ORDINANCE ON 2nd READING**
- NEW BUSINESS
- OTHER: _____

- CONSENT AGENDA
- OLD BUSINESS

Approved by Town Manager *[Signature]* Date: 6/19/14

Nadia Di Tommaso / Community Development Director
Name/Title

ND

Originating Department: <p style="text-align: center;">Community Development</p>	Costs: \$ Legal Ad Funding Source: Town Clerk Acct. # 106-48100 <input type="checkbox"/> Finance _____	Attachments: → Ordinance 07-2014 → Staff Report → Applicant's application → Legal Ad
Advertised: Date: Palm Beach Post Paper: 06-22-2014 <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:

This is a request from Gentile, Glas, Holloway, O'Mahoney and Associates as the Agent for the applicant, Congress Avenue Properties Ltd., who is also the current owner of the property, to rezone a vacant 28.66+ acre parcel of land located on the southeast corner of Watertower Road and North Congress Avenue, as illustrated from its present zoning of Commercial-2 (C-2), to a zoning designation of Planned Unit Development (PUD).



A Planned Unit Development (PUD) zoning district is a unique type of zoning which is intended to promote a general theme of unity with certain aspects of development for a parcel of land which can have a variety of different types of developments within its boundaries. The objective of a PUD is to have certain elements develop in a uniform manner and under unified control, throughout the larger parcel, even when portions of the larger parcel are subsequently subdivided into different uses. While similar to conventional zoning districts, the PUD concept is designed to incorporate a variety of compatible uses from the underlying zoning district; which in this case is the C-2 business district.

The uniform elements imposed within the boundaries of a PUD are regulated and controlled via a PUD Master Site Plan which, if this recommended rezoning is **ADOPTED** by the Commission, will be the next item presented to the Commission for consideration. Given that a PUD Master Site Plan cannot be considered until a rezoning is **adopted** by Ordinance first, staff is requesting that the Town Commission ADOPT the rezoning from C-2 to a PUD for the subject parcel on second reading. Given that the rezoning approval and the PUD Master Site Plan approval go hand-in-hand, the materials supporting this agenda item include the staff report which serves to fully outline both the rezoning and the PUD Master Site Plan approval in an attempt to provide the Commission with advanced familiarity of the details of the Site Plan which will be presented next on the agenda, following consideration of this rezoning item.

Town Commission 1st reading (June 18, 2014): Approved 4-0.

Recommended Motion: I move to ADOPT Ordinance 07-2014 on second reading.



**TOWN LAKE OF PARK
TOWN COMMISSION
MEETING DATE: July 2, 2014
(2nd Reading of Rezoning *ORDINANCE* only)
Staff Report**

****THIS STAFF REPORT ECOMPASSES THE REZONING AND THE PUD MASTER SITE PLAN APPROVAL WHICH ARE LISTED AS SEPARATE AGENDA ITEMS ON THE TOWN COMMISSION AGENDA SOLELY BECAUSE THEY REQUIRE SEPARATE MOTIONS****

APPLICATION:

An application to rezone a vacant 28.66± acre lot along Congress Avenue from the Commercial-2 Business District to a Planned Unit Development, and the approval of a PUD Master Site Plan for the proposed Congress Business Park Planned Unit Development.

APPLICANT'S REQUEST AND PROJECT DETAILS: Gentile Glas Holloway O'Mahoney & Associates as the Agent for the applicant, Congress Avenue Properties Ltd ("Applicant"), has submitted an application to rezone a vacant 28.66± acre lot located on the southeast corner of Watertower Road and Congress Avenue ("Site") from the Commercial-2 (C-2) Business District to a Planned Unit Development (PUD). The Site currently has a future land use designation of Commercial/Light Industrial. The rezoning would be consistent with the future land use designation. The Site is located south of Watertower Road and north of the property where the Army Reserve facility has been constructed along Congress Avenue.

Additionally, the Applicant has submitted and is requesting the approval of a PUD Master Plan. The PUD Master Plan shows the boundaries of the PUD and a proposed interior roadway network. The uses within the PUD would include those permitted and special exception uses which are listed in the underlying C-2 Zoning District. The PUD Master Plan applies the C-2 Zoning District boundary setbacks and land development regulations. The PUD Master Plan also depicts the details for monument signs, perimeter and interior landscape buffers, and pedestrian connections for the Site. The Applicant's Project Summary and Master Plan Sheet M-1 presents architectural styles and colors for the buildings to be developed within the Site, to provide some uniformity within the PUD.

The Applicant has also submitted a Minor Replat application for certain parcels within the Site, a procedure which will be completed administratively assuming the PUD Master Plan is approved. While this rezoning application does not include the development of any specific uses, the Property Owner, or Agent, is required to submit applications for individual site plans for the development of

uses within the subdivided parcels. The site plan applications (and any applications for special exception uses) are subject to the review of the Planning & Zoning Board and the approval of the Town Commission.

One of the proposed parcels depicted in the Minor Replat is the roadway extension of Park Avenue. The Palm Beach County Traffic Engineering Department has already issued a Right-of-Way construction permit for the construction of this extension. Palm Beach County will retain ownership of this roadway after which it will be conveyed to the Town through a Special Warranty Deed and Bill of Sale listing the improvements being turned over to the Town. The Town Engineer is also responsible for ensuring the roadway is being built to engineering standards and the Applicant is responsible for these review costs. The extension of Park Avenue provides access on the south side of the Site. Additional access to the PUD from Congress Avenue will also be provided through the creation of two curb cuts, as indicated on the proposed plans, both of which have already received permit approval through Palm Beach County.

STAFF RECOMMENDATION

REZONING: Staff recommends that the Planning & Zoning Board **APPROVE** the Rezoning of the Site from the C-2 Business District to a PUD.

PUD MASTER SITE PLAN:

Staff recommends that the Planning & Zoning Board **APPROVE** the PUD Master Plan with Conditions 1 through 7.

PLANNING & ZONING BOARD RECOMMENDATION (June 2, 2014):

Approved 4-0 with additional conditions 6 and 7 and modification to condition 2 to require the Applicant to submit the Unity of Control document prior to any building permit being issued.

TOWN COMMISSION (June 18, 2014 Meeting): APPROVED the 1st reading of the Rezoning Ordinance.

BACKGROUND:

Agent: Gentile Glas Holloway O'Mahoney & Associates
Applicant/Owner(s): Congress Avenue Properties LTD
Address/Location: Congress Avenue (not yet assigned)
Net Acreage: 28.66 acres
Legal Description: 19-42-43, PT OF SE 1/4 LYG BET WATER TOWER RD RW & PB21P3 & E OF & ADJ TO CONGRESS AVE RW (LESS SLY 728.69 FT & PT K/A
Existing Zoning: Commercial-2 (C-2) Business District
Future Land Use: Commercial/Light Industrial

Adjacent Zoning

North: Commercial-2 (C-2) Business District
South: Commercial-4 (C-4) Business District
East: Campus Light Industrial/Commercial (CLIC)
West: Traditional Neighborhood District (TND)

Adjacent Existing Land Use

North: Commercial Light Industrial
South: Commercial Light Industrial
East: Commercial Light Industrial
West: Commercial/Residential

CONSISTENCY WITH THE COMPREHENSIVE PLAN

The proposed rezoning and PUD Master Plan is consistent with the goals, objectives and policies of the Town’s Comprehensive Plan. The proposed PUD furthers the following Objective and Policies of the Town’s Comprehensive Plan:

Future Land Use Element

Policy 1.5: *The Town shall encourage development and redevelopment activities which will substantially increase the tax base while minimizing negative impacts on natural and historic resources, existing neighborhoods and development, and adopted Levels of Service standards.*

Staff Response: The Property Owner has submitted the PUD Master Plan to promote development of the Site pursuant to individual site plan applications for particular uses. The approval of the PUD may only increase the Site’s assessed value marginally; however, as individual parcels are developed the assessed values of those properties will increase.

Policy 1.6: *Land development regulations shall contain performance standards which:*
a. *Address buffering and open space requirements; and*
b. *Landscaping requirements.*

Staff Response: The proposed PUD Master Plan includes a Perimeter Landscape Buffer that meets and in some areas exceeds the minimum landscaping requirements of Code Section 78-253. The approval of the PUD will also establish criteria for the interior landscape buffers to provide some uniformity for the development of individual parcels within the Site.

Policy 1.8: *New development shall be permitted only when central water and wastewater systems are available or will be provided concurrent with the impacts of development.*

Staff Response: The Applicant is securing the necessary commitments from the Seacoast Utility Authority to provide central water and wastewater systems to serve the Site.

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

Staff Response: The Applicant, on behalf of the Property Owner, has submitted permits which have been received from the SFWMD pertaining to the management of stormwater on the Site. The Town's Engineer has confirmed that the application is consistent with Policy 2.1.

Objective 3: *All development orders and permits for future development and redevelopment activities shall be issued only if public facilities necessary to meet level of service standards are available concurrent with the impacts of the development. Further, require that all on-site lands for rights-of-way, easements, etc., be conveyed to the proper authority prior to final project approval.*

Staff Response: The Applicant has demonstrated that the public facilities which are necessary to meet the level of service standards of the Town's Comprehensive Plan are, or will be available concurrent with the impacts of the development of the Site.

Objective 5. *As a substantially built-out community in an urbanized area, the Town shall promote redevelopment and infill development in a manner that is considerate to existing neighborhoods and uses, the built and natural environments, and neighboring jurisdictions.*

Staff Response: The PUD Master Plan is likely to promote infill development along the Congress Avenue corridor which is consistent with existing developed properties.

CONSISTENCY WITH SECTION 78-77 PLANNED UNIT DEVELOPMENT (PUD)

1.

[General provisions.]

(a)

Purpose and intent. The achievement of innovative use and site design in the development of land is often difficult or impossible within the context of conventional zoning regulations. In order to permit design flexibility and to facilitate the use of contemporary land development techniques, it is often advantageous to establish planned unit developments in which development is in harmony

with the general purpose and intent of the town's land use regulations, general planning program and comprehensive plans, but which may differ in one or more respects from the provisions of specific zoning regulations.

Staff Response: It is the intent of the Applicant to create the PUD to facilitate the development of a variety of uses that are integrated with the interior roadway improvements. In addition, the creation of a PUD promotes uniformity in the development of the Site by incorporating regulations related to permanent signage, perimeter and interior landscape buffers, pedestrian connections and architectural styles and color.

(b)

[Additional intentions.] The planned unit development regulations are intended to:

(1)

Provide the method by which property may be developed or redeveloped as a unit rather than on a lot-by-lot basis as provided for in the town's other zoning regulations.

(2)

Provide a maximum of design freedom by permitting the planned unit development applicant an opportunity to more fully utilize the physical characteristics of the site through the reduction or waiver of certain development regulations and the planned mixing of uses.

(3)

Require that property approved by the town commission for a planned unit development will be developed through a unified design providing continuity among the various elements causing a better environment.

Staff Response: While the Property may be subject to several individual Site Plan applications in the future, the Applicant is proposing a unified design for the PUD. Uniformity will be achieved because the approval of the creation of the PUD would adopt specific standards for the architecture and colors of the buildings, the location of signage throughout the Site, the perimeter and interior landscape buffers, and the creation of pedestrian connections between individual parcels within the Site.

(c)

[Applicability.] A planned unit development, by definition, may depart from the strict application of use and property development regulations for the zoning district in which the planned unit development is proposed to be located. However, these regulations should not be used as a means of evading the ordinances of the town and should be employed only when there are mutual benefits to both the planned unit development applicant and the community. It is intended that a planned unit development provide substantial public benefit.

(d)

[Benefits.] The benefits of a planned unit development are intended to include the ability of the planned unit development applicant and the town to: utilize a variety of architectural solutions; provide for the preservation of natural features and scenic areas; reduce land utilization for roads, separate vehicular and pedestrian circulations systems; allow for the meaningful integration of open space and recreation areas; and establish neighborhood identity and focus.

Staff Response: The PUD promotes architectural variety by including at least three articulation techniques on all building walls and promoting a uniform architectural style and colors, and uniform signage throughout the Site. The PUD also includes both Perimeter and Interior Landscape Buffer details to ensure that the Site's landscaping is integrated with the areas of open space planned for the Site. The proposed internal vehicular roadway network will also allow for a pedestrian circulation system to be incorporated within future site plan applications and it creates connections internal to the site which the PUD requires.

(5)

Planned unit development (PUD). A land area under unified control designed and planned to be developed in a single operation or by a series of prescheduled development phases according to an officially approved final master site plan which does not necessarily correspond to the development and use regulations of the zoning district in which the property is located.

Staff Response: The Applicant has provided evidence that the land area is under unified control with only one current owner, however a Unity of Control document will be required should this change and this document, which includes maintenance responsibilities, will be conditioned. The application is proposing a PUD Master Plan which conceptually outlines the boundary of the PUD; an internal roadway system; signage, landscaping and architectural details. The PUD Master Plan is proposing to provide the general development framework by which specific site plan applications will need to follow, and is proposing the installation of an interior roadway network to creatively divide the site into marketable areas. While the Applicant is relying on the individual site plan applications for the installation of proposed perimeter landscape buffers, if within 36 months the site is not fully developed via these site plan applications, the Applicant will be required to install the perimeter landscape buffers as proposed in the PUD as a condition of approval. The overall site has been reviewed for a potential of 90,000 square feet of retail capacity, 126,000 square feet of light industrial capacity; gasoline station and 5,928 square feet of convenience store capacity, with an overall site built-out traffic concurrency date of December 31, 2018, as reviewed and approved by Palm Beach County's Traffic Engineering Division through a letter issued February 20, 2014. Final site plan approvals will be required for each use within the PUD. The Applicant has demonstrated that the public facilities which are necessary to meet the level of service standards of the Town's Comprehensive Plan are or will be available concurrent with the impacts of the development of the site. SFWMD permit for the management of storm water and commitments from Seacoast Utility Authority to provide central water and wastewater have been received.

→PUBLIC BENEFIT: The Applicant is proposing a PUD to incorporate uniform standards throughout the Site, including the signage, architecture, and landscaping. The creation of the PUD will facilitate the construction of the Park Avenue extension sooner, rather than later. The Town and Palm Beach County have been working together for more than 8 years to provide an east-west connection from Congress Avenue to the existing Park Avenue.

STAFF RECOMMENDATIONS

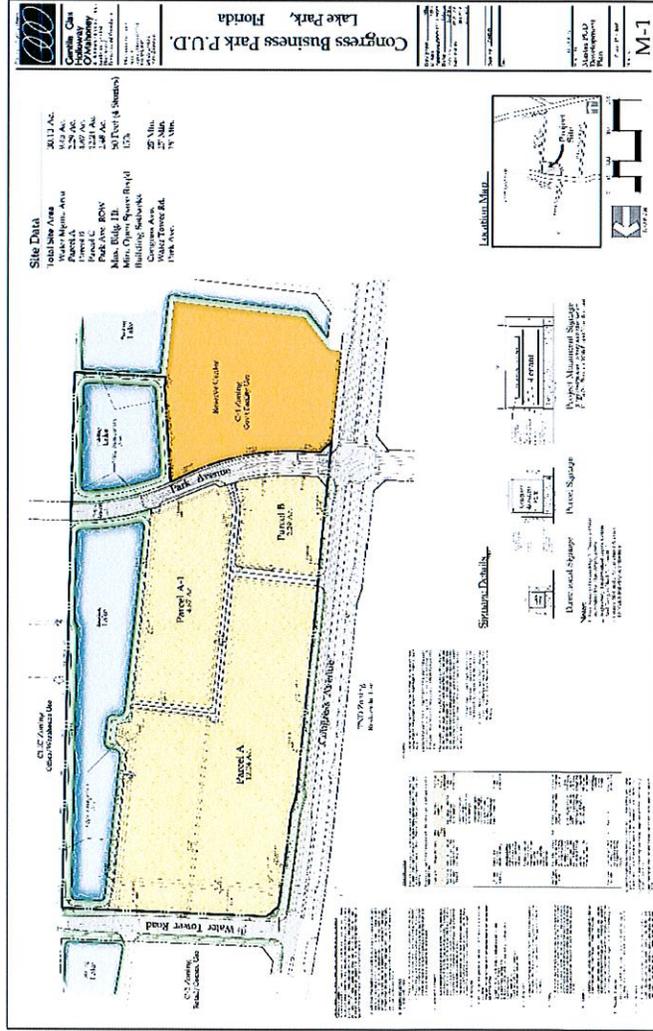
✚ **REZONING:** Staff recommends that the Town Commission ADOPT the Ordinance, rezoning the parcel from C-2 to PUD.

✚ **PUD MASTER SITE PLAN:** Staff recommends **APPROVAL** of the PUD Master Site Plan subject to the following conditions:

1. The Owner shall improve the Property such that it is consistent with the following Plans:
 - a. Master PUD Development Plan referenced as sheet M-1 prepared by Gentile Glas Holloway O'Mahoney & Associates, signed and sealed May 14, 2014 and received and dated by the Department of Community Development on May 15, 2014.
 - b. Master PUD Landscape Plan, referenced as sheet LP-1 and prepared by Gentile Glas Holloway O'Mahoney & Associates, signed and sealed April 22, 2014 and received and dated by the Department of Community Development on April 23, 2014.
 - c. PUD Landscape Plan, referenced as sheets LP-2 through LP-10 and prepared by Gentile Glas Holloway O'Mahoney & Associates, signed and sealed April 22, 2014 and received and dated by the Department of Community Development on April 23, 2014.
 - d. Landscape Specification Plan referenced as sheet LP-11 and prepared by Gentile Glas Holloway O'Mahoney & Associates, signed and sealed April 22, 2014 and received and dated by the Department of Community Development on April 23, 2014.
 - e. Engineering Plans for interior roadway network referenced as Sheets C-1 through C-16, prepared by Smiley & Associates, signed and sealed May 16, 2014 and received and dated by the Department of Community Development on May 16, 2014.
2. Prior to the issuance of any building permit, the Owner shall submit a unity of control instrument. This instrument shall be subject to the review and approval of the Town Attorney, following which the Owner shall record it in the Public Records of Palm Beach County. The Owner shall return a copy of the instrument with the recording information contained thereon to the Department of Community Development.
3. The Owner's successors and assigns shall be subject to the approved PUD Master Plan.
4. The Applicant is required to install the proposed perimeter landscape buffers within 18 months of approval of the PUD if the Property is not fully developed with these buffers by this expiration.
5. **Cost Recovery.** The Owner shall reimburse the Town for all fees and costs, including legal fees incurred by the Town in reviewing the Ordinance approving the rezoning and the Resolution approving the PUD Master Plan within 10 days of receipt of an invoice from the Town. The Owner's failure to pay the Town within the 10 days of receipt of the invoice shall result in the automatic suspension of the approval and the processing of any permits or other applications which are in progress, and may be cause for the revocation of any approvals by the Town.
6. At such time as the Owner proposes a Site Plan to develop the parcel within the PUD which abuts Watertower Road, the Owner shall provide an easement and incorporate the same in the Plat to ensure cross access between this parcel and the other Parcels within the PUD. Additional interior roadways and curb cuts that are incorporated within the Property to accommodate future parcel development shall require the submission of individual applications for a site plan.
7. Prior to the issuance of the first building permit, the Owner shall amend the Plat such that it is consistent with the Unity of Control instrument.

Proposal

- Located at the South east corner of Water Tower Road and Congress Avenue (north of Reserve Center)
- Rezoning from C-2 to PUD with underlying C-2



Background

- Property is a Commercial Light Industrial Land Use parcel that was rezoned in 2008 to C-2.
- Surrounded by C-2 zoning to the north; C-4 south; CLIC to the east; and TND across Congress to the west.

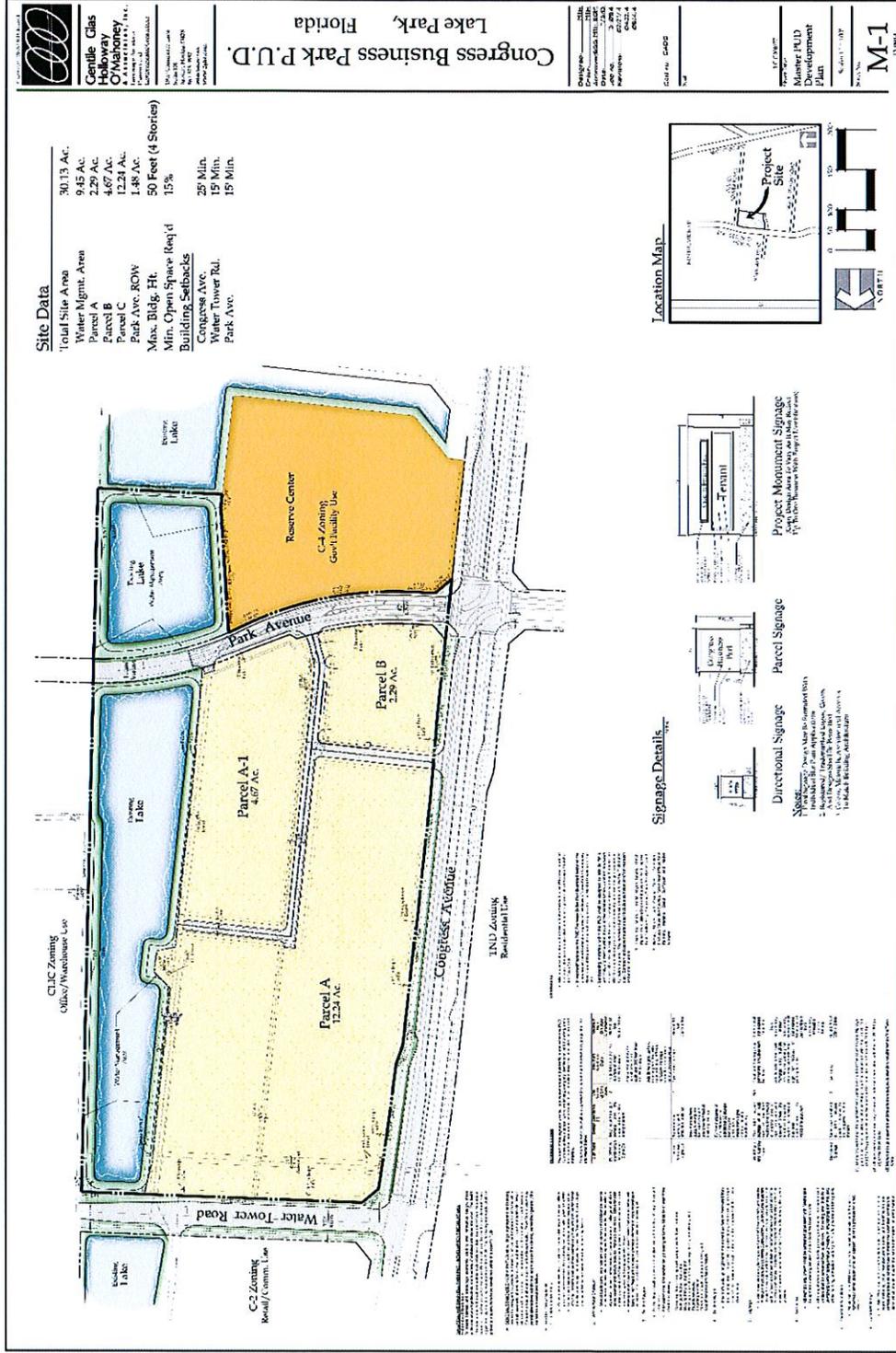


Proposal

- PUD Master Plan with design standards which permits for the site to develop in a unified way through architecture, signage and landscape
- It also provides for coordinated access and circulation as will as the alignment of Park Avenue Extension



Congress Business Park



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PUD Standards

- Internal access and circulation for vehicular and pedestrians
- Architecture – unifying character to create campus setting
- Signage- to facilitate thematic approach for the entire PUD
- Landscape- to create a sense of place using similar materials with accents



PUD Architecture

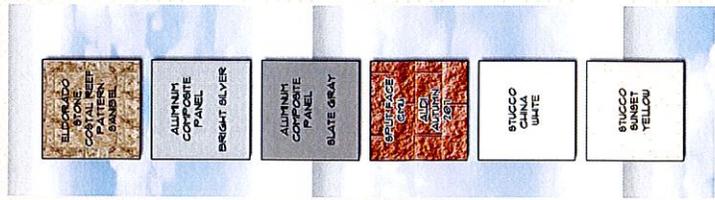
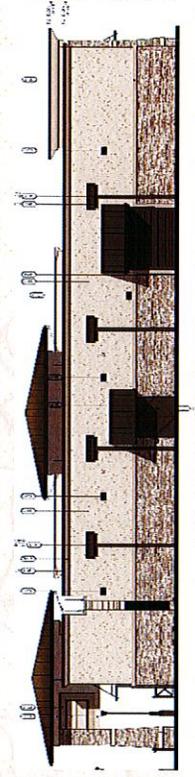
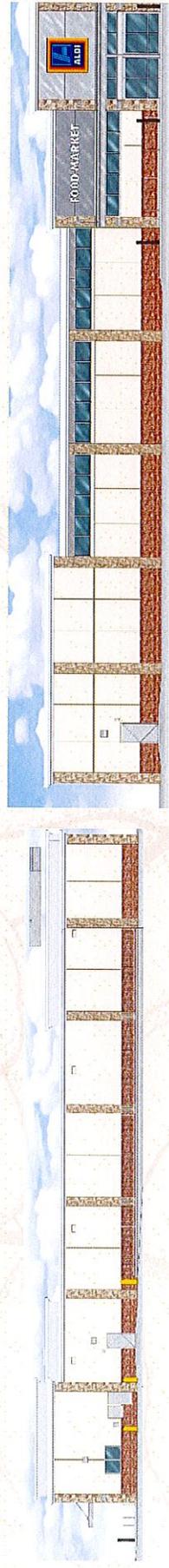
Building Articulation and design including:

- Architectural Style
- Colors
- Materials
- With opportunities for individual accent and interest of parcels



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PUD Architecture- Example



Specifics

- Architecture to be 4 sided
- Contemporary
- Natural color schemes
- Concrete, Stucco finishes, with banding, split face block/ stone character elements.
- Accents of metal fixtures, awnings and colors for pop.

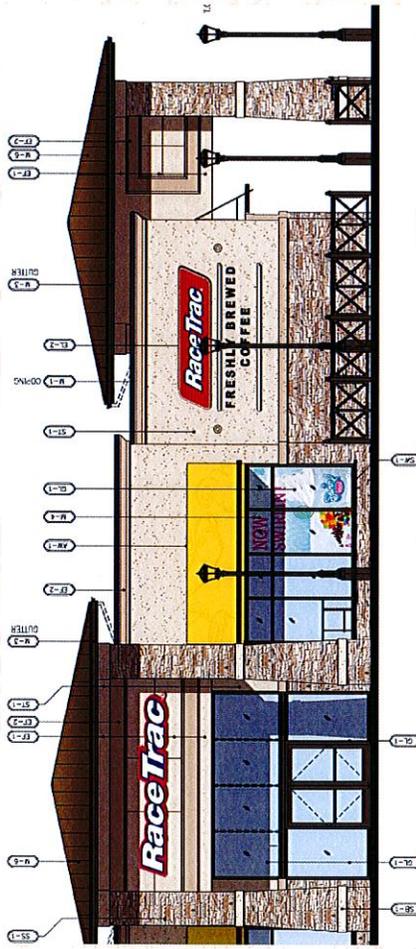
PUD Signage

Unified approach

- Format to relate to the architecture
- Design size and materials
- Recognize branding and registered logos and colors but use as accent for interest
- Provides for Project ID with tenants



PUD Signage- Example



Signage Details



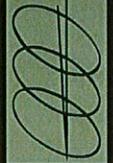
Directional Signage

- Notes:
1. Final Signage Design May Be Provided With Background Color, Than Applicant's Colors
 2. Final Signage Design Shall Be Permitted Colors
 3. Colors, Materials, As Indicated As Permitted To Match Building Architecture

Parcel Signage

Project Monument Signage

(Copy Design Area To Vary As It May Reflect 1:1 To Our Business With Project Identifiers)



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PUD Landscape

Establishes a theme for the entire site to provide for a sense of place and arrival.

Use of common landscape materials including natives and ones used in corridor and in Lake Park



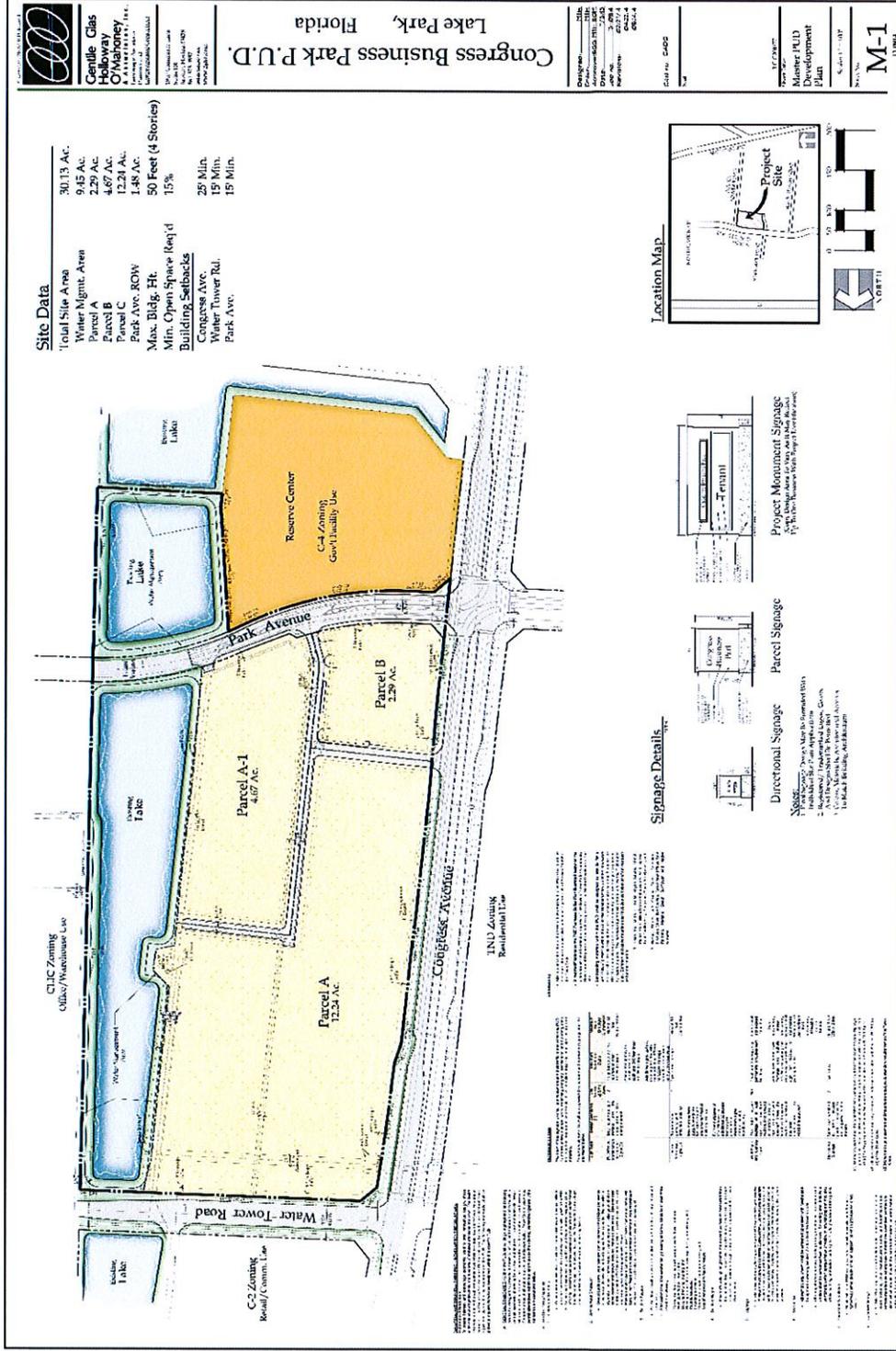
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PUD Landscape Materials

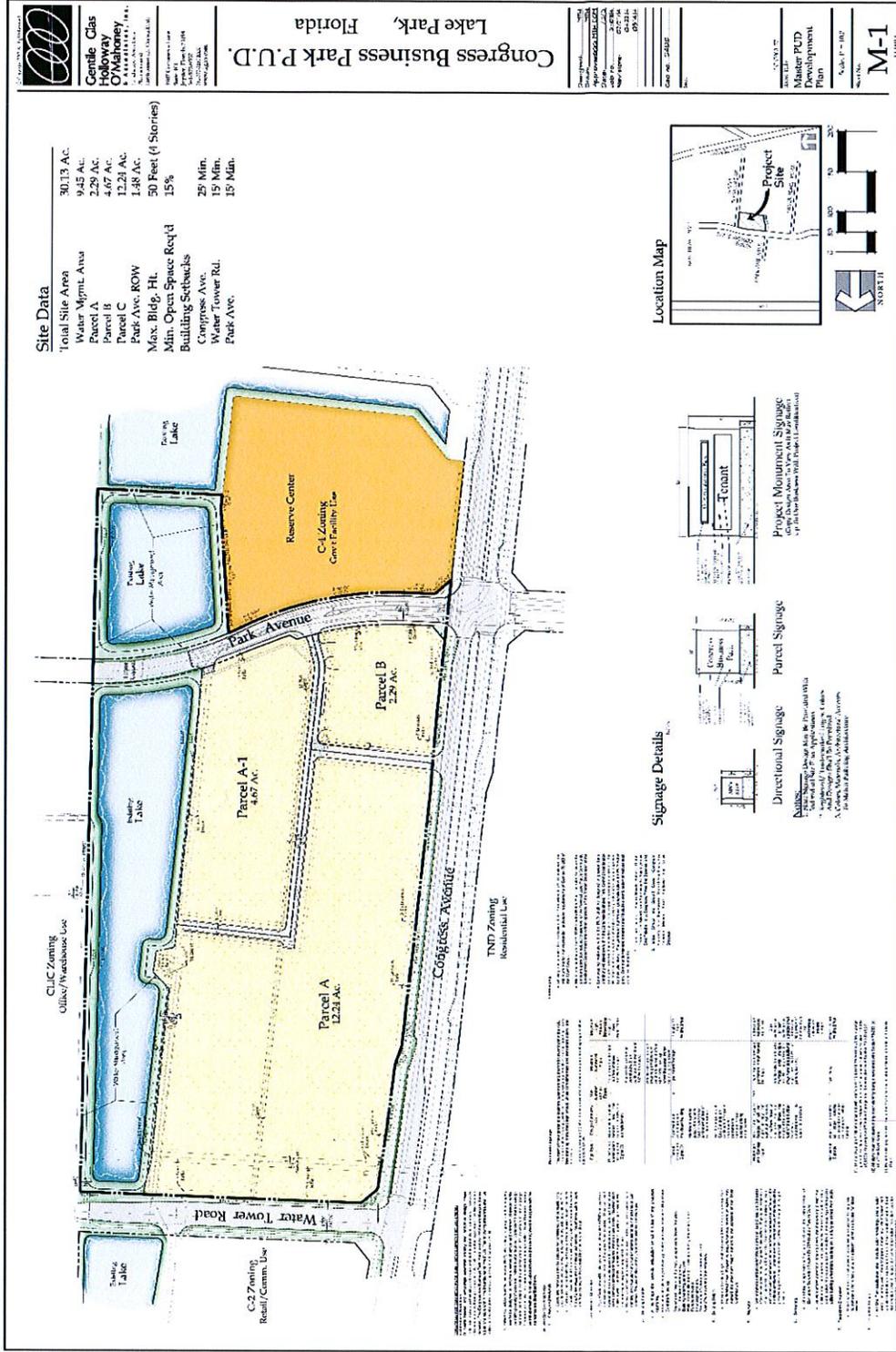
- Trees and Palms- Royals, Sabals, Thatch Pigeon Plum, Buttonwoods, Pines, Seagrapes;
- Hedge, Shrubs and Ground Cover- Cocoplum, Firebush, Ilex species, Palmetto, Beach Sunflower and Native grasses



Congress Business Park



Congress Business Park





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M-1

1/10/11