

**Minutes**  
**Town of Lake Park, Florida**  
**Regular Commission Meeting**  
**Wednesday, August 19, 2015, 7:48 PM**  
**Town Commission Chamber, 535 Park Avenue**

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, August 19, 2015 at 7:48 p.m. Present were Mayor James DuBois, Vice-Mayor Kimberly Glas-Castro, Commissioners Erin Flaherty, Michael O'Rourke and Kathleen Rapoza, Town Manager John O. D'Agostino, Attorney Thomas Baird, and Town Clerk Vivian Mendez.

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

**SPECIAL PRESENTATIONS/REPORTS**

**None**

**PUBLIC COMMENT:**

**Janet Hash; Diane Bernhard; Angela Kauffman; Ronnie Lee Cohen; Penny Broda; Sam Baghdady; Philip Bathon; James Sullivan; Cat Nguyen; Scott Mandler.**

**CONSENT AGENDA:**

- 1. Regular Commission meeting minutes of August 5, 2015.**
- 2. Hunger Action Month Proclamation.**
- 3. Authorizing the Mayor to sign a letter of support to Palm Beach County for the Allocation of \$100,000 for a Law Enforcement Grant.**

**Motion: Commissioner O'Rourke moved to approve the consent agenda; Commissioner Rapoza seconded the motion.**

Vote on Motion:

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

Motion passed 5-0.

**PUBLIC HEARING(S) – ORDINANCE ON FIRST READING:**

**None**

Mayor DuBois explained that the Commission would follow the same process followed during the last meeting in which these items were heard. Commissioner O'Rourke asked

for clarification since there was a Quasi-Judicial Resolution among the items to be considered. Attorney Tom Baird explained that the Commission would follow the Quasi-Judicial process even though not all the items on the agenda were Quasi-Judicial. He stated that the Commission would disclose any Ex-Parte Communication, swear in all witnesses, allow public comment, hear presentations from staff and the applicant, discuss the items, and then vote on each item individually.

Ex-parte Communication Disclosure:

Commissioner O'Rourke disclosed that he has not spoken to anyone regarding the proposed plan. He disclosed that he has not responded to any emails relating to the topic. He disclosed that he purchased a vehicle from Earl Stewart Toyota.

Vice-Mayor Glas-Castro disclosed that she has spoken with staff regarding the evaluations and the proposed conditions of approval on the staff report. She forwarded emails that she had received regarding the project. She disclosed that she drove passed the site several times.

Mayor DuBois disclosed that he has communicated with the applicant and staff and has responded to emails from Mr. John Hash, and Angela Kauffman.

Commissioner Flaherty disclosed that he has received emails and responded to an email from Ms. Booth.

Commissioner Rapoza disclosed that she has not communicated with the applicant. She disclosed that she requested photos from staff. She disclosed that she communicated with Ms. Booth.

Town Clerk Mendez swore in all witnesses.

**PUBLIC COMMENT:**

1. Janet Hash 1115 Lake Shore Drive Unit 204 – expressed several concerns with regards to the design of the building, the car wash, the trash compactor, what would happen to phase III if the car sales declined. She asked for clarification regarding the traffic flow on the site during construction, signage, and the public benefit of abandoning E. Jasmine Drive.

2. Diane Bernhard 301 Lake Shore Drive – expressed concern with the revised changes to phase III and no public benefit by abandoning E. Jasmine Drive. She asked the business to act responsibly and respectfully to the Town of Lake Park and its residents and the Commission to be vigilant in the protection of its current and future quality of life of those that live and vote in Town. She suggested that if the meeting lasted very long that the Commission continue the meeting to another date and time so that residents could attend and the Commission were not pushed to a rush judgements.

3. Angela Kauffman 1105 Lake Shore Drive – expressed concern with the project and the truck traffic noise. She has submitted photos of the truck traffic on Lake Shore Drive and

the use of the area. She stated that it appears that in June hydraulic oil spilled and no one has done anything about it.

4. Ronnie Lee Cohen 142 Evergreen Drive – spoke in support of the expansion and the increase in employment opportunities and revenue for the Town.

5. Penny Broda 8 E. Ilex Drive – provided her comments in writing, see Exhibit “A”.

6. Sam Baghdady 12 E. Ilex Drive – expressed concern with the proposed project changes. He stated that the business was considering its own needs and not those of the community. He expressed concern that Commissioner Rapoza had a conflict of interest and was still allowed to vote on the items.

7. Philip Bathon 916 Lake Shore Drive – expressed concern regarding the abandonment of E. Jasmine Drive, the bus shelter, rezoning the parcel, phase III of the project, signage, and Commissioner Rapoza’s conflict of interest.

Attorney Baird explained that Commissioner Rapoza does not have a conflict of interest and can vote on each item on the agenda. He clarified that Mr. Rapoza does not work for Earl Stewart Toyota; therefore, there was no conflict of interest.

8. James Sullivan 348 Flagler Blvd – addressed some of the concerns raised during the meeting by the public. He stated that the landscaping being used was great. He asked the Commission to consider that other businesses are watching the negative attitude shown toward this business. He stated that the overall project would increase property values.

9. Cat Nguyen 1155 Lake Shore Drive Unit 101 – expressed concern with the revised plans and the impact it would have to the neighborhood. The impacts were not addressed in the proposed plans. He stated that the project should be aligned with the Town’s Comprehensive Plan.

10. Scott Mangler – Golfers Circle Palm Beach Gardens – stated that he has been an employee with Earl Stewart for 10 years and the owners have great work ethics. He spoke in favor of the project and the additional employment opportunities the expansion would bring to the Town.

Community Development Director Nadia DiTommaso presented the staff report (see Exhibit “B”).

Ms. Anne Booth with Urban Design Kilday Studios, introduced herself and presented that applicants presentation (see Exhibit “C”).

Commissioner Flaherty asked for clarification regarding the compactor design and were changes made to its design. Ms. Booth stated that no changes had been proposed since the last submittal. She stated that the compactor would be moved closer to the building and as a condition of approval, the doors would remain closed.

Commissioner O'Rourke made a motion that the appraisal be established at \$320,000 for the abandonment of E. Jasmine Drive. Mayor DuBois clarified that the motion was out of order because the Commission were in the questioning portion of the meeting. Commissioner O'Rourke stated that his motion was not out of order. He asked if he were to hold off on his motion and the Commission continue following the procedures, the Ordinance for the abandonment would be taken without the appraisal amount included in the motion. Mayor DuBois clarified that the motion would be appropriate when Ordinance 02-2015 would be taken. Attorney Baird explained that at the beginning of the meeting the Commission agreed for purposes of this hearing to hear all items at once. He stated that the public has already spoken leaving the Commission to ask questions, make motions and debate each item individually.

Vice-Mayor Glas-Castro asked staff how the staging of the construction would be handled. Community Development Director DiTommaso stated that those details would be discussed during a pre-construction meeting, which would include all entities involved with the construction. Vice-Mayor Glas-Castro asked if the current truck traffic concerns were part of the original development order. Community Development Director DiTommaso stated that the truck traffic was part of the original development order, but trucks were allowable only for short detour type exits from Lake Shore Drive, which was a provision in the Town Code. She stated that it could be included as an additional condition of approval. Vice-Mayor Glas-Castro stated that the current landscape on Lake Shore Drive are scrawny. She asked if the original site plan said that the landscaping would be trimmed versus going in their natural shapes. Community Development Director DiTommaso stated that it was not to her knowledge. Vice-Mayor Glas-Castro asked if the landscape was proposed to grow naturally or was the applicant requesting to trim the landscape to shape it and to keep it at a certain size and shape. Community Development Director DiTommaso stated that it was not included to her knowledge. Vice-Mayor Glas-Castro asked if there was a foot-candle for the roof lighting of phase III. Ms. Booth explained that the lighting consultant has assured them that the foot-candle would meet the Town Code, but that she was not sure what that foot-candle was. She explained that the modifications were made to provide only low-level lighting.

Mayor DuBois asked where the bus shelter would be placed. Ms. Booth stated that it would be placed between the walkway and the street where the current bus stop was located. Mayor DuBois stated that they could not restrict truck traffic from Lake Shore Drive all the time because there were trucks that needed to make deliveries on Lake Shore Drive, but clarified that thru truck traffic was what was being restricted. He stated that transport delivery truck traffic was being restricted to the property and not allowed on Lake Shore Drive. Ms. Booth explained that one of the most important components of the expansion project was to modify the curb ratios so that trucks could travel through the property within two specific entrances and exits. She explained that the other access points would be for regular car and truck traffic, not car delivery traffic. Mayor DuBois suggested way-finding signage to assist traffic drivers with the proper entrances and exits to use. He stated that he was surprised by the number of photos provided by residents of car delivery trucks on Lake Shore Drive. He stated that a Code Compliance employee could not sit on the road all day waiting to enforce truck traffic.

**PUBLIC HEARING(S) – ORDINANCE ON SECOND READING:**

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

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

**Public Comment Opened:**

See above list of public comments made.

**Public Comment Closed:**

**Motion: Commissioner O’Rourke moved to approve Ordinance 02-2015 and establishing the value of the property as \$320,000; Commissioner Flaherty seconded the motion.**

Vote on Motion:

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

Motion passed 4-1.

Attorney Baird the Ordinance by title only.

**5. Ordinance No. 06-2015 the Assignment of a Residential/Commercial Future Land Use Designation to the 0.49-Acre Portion of E. Jasmine Drive, located between Federal Highway and Lake Shore Drive.**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, ASSIGNING A FUTURE LAND USE DESIGNATION OF “RESIDENTIAL/COMMERCIAL” TO THAT 0.49 ACRE PORTION OF THE EAST JASMINE DRIVE RIGHT OF WAY, LOCATED EAST OF FEDERAL HIGHWAY AND TERMINATING AT LAKESHORE DRIVE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Public Comment Opened:**

See above list of public comments made.

**Public Comment Closed:**

**Motion: Commissioner Flaherty moved to approve Ordinance 06-2015; Vice-Mayor Glas-Castro seconded the motion.**

Vote on Motion:

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

Motion passed 5-0.

Attorney Baird the Ordinance by title only.

**6. Ordinance No. 03-2015 to Rezone 1017 Federal Highway from Commercial-1 (C-1), to Planned Unit Development (PUD) and to Assign a PUD Zoning District Designation with an Underlying C-1 Zoning District Designation to a 0.49-Acre Portion of the East Jasmine Drive Right-of-Way.**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, ASSIGNING THE PLANNED UNIT DEVELOPMENT ZONING DISTRICT WITH AN UNDERLYING COMMERCIAL-1 ZONING DISTRICT TO THAT 0.49 ACRE PORTION OF THE EAST JASMINE DRIVE RIGHT OF WAY, LOCATED EAST OF FEDERAL HIGHWAY AND TERMINATING AT LAKESHORE DRIVE; PROVIDING FOR THE ASSIGNMENT OF THE PLANNED UNIT DEVELOPMENT ZONING DISTRICT TO THE PROPERTY AT 1017 FEDERAL HIGHWAY; PROVIDING FOR THE AMENDMENT OF SECTION 78-32 OF THE TOWN CODE TO REFLECT THE REZONING OF THESE TWO PROPERTIES ON THE TOWN'S OFFICIAL ZONING MAP; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Public Comment Opened:**

See above list of public comments made.

**Public Comment Closed:**

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

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		

Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

Attorney Baird the Ordinance by title only.

**PUBLIC HEARING(S) – QUASI-JUDICIAL HEARING:**

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

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING RESOLUTION 14-05-03 THE SITE PLAN FOR THE EARL STEWART TOYOTA PLANNED UNIT DEVELOPMENT; PROVIDING FOR THE EXPANSION OF THE EXISTING DEALERSHIP; PROVIDING FOR THE SPECIAL EXCEPTION USE APPROVAL OF A VEHICLES SALES ESTABLISHMENT; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Public Comment Opened:**

See above list of public comments made.

**Public Comment Closed:**

Ms. Booth asked that condition number 5 be modified to say that the days of operation are Monday through Sunday. The condition currently states that the days of operation are Monday through Saturday.

**Motion: Commissioner Rapoza moved to approve Resolution 14-05-15 with the staff recommendations and the modification to condition number 5; Vice-Mayor Glas-Castro seconded the motion.**

Vice-Mayor Glas-Castro stated that she had additional conditions that she wanted the Commission to consider for the Resolution.

**Condition Number 26**

- She stated that after reading the landscape Code, condition number 26 was not necessary because the Code states that landscaping would grow naturally and that no additional pruning would be necessary.

**Condition Number 27**

- She expressed concern that the car wash noise would exceed the Town’s noise Ordinance. She asked that condition 27 be included to say that if after the car wash were built and the Town began to receive sustained noise complaints over time, that further sound mitigation would need to be installed. She stated that if the property owner does not comply with the noise Ordinance then it would become a “per say” noise disturbance violation. Attorney Baird clarified that a “per say” noise violation was different from requiring that the applicant install

further sound mitigation measures. He explained that the “per say” violation only proceed to the Special Magistrate Hearing with a possible fine order. He stated that if sustained complaints were received from the neighborhood, then the Commission could require that additional buffering type action be taken by the applicant to mitigate the noise. Mayor DuBois asked how would condition number 27 be worded. Attorney Baird stated “if after the approval of this Resolution the noise level emanating from the car wash continued to exceed the plainly audible standard of the Code, the applicant shall be required to institute further measures to mitigate the noise”. Community Development Director DiTommaso expressed concern with applying the Town Code to that condition because if the car wash would run for 60 seconds intervals every five (5) minutes and the Town Code states that the noise lasting longer than 10 minutes would be a violation of the Code. She stated that staff would not be able to effectively monitor a consecutive 10 minutes of noise from the car wash, which was how the noise Ordinance was written. Attorney Baird stated that an objective standard would be preferable than a non-objective standard. He suggested that the Town stick to the Code.

#### Condition Number 28

- Vice-Mayor Glas-Castro expressed concern with the transport delivery truck traffic would continue on Lake Shore Drive. She proposed condition number 28 to be that if observed complaints of trucks exiting onto Lake Shore Drive that measures be taken to include a height barrier that would prohibit the transport delivery trucks from using that exit. Ms. Booth expressed concern that the sanitation vehicles or emergency vehicles would not be able to use the exit. She suggested that a gate be installed that would control the access afterhours. Mayor DuBois suggested additional internal site signage be installed. Vice-Mayor Glas-Castro stated that she wants some type of penalty included if transport trucks are caught using Lake Shore Drive. Ms. Booth stated that there was a condition of approval regarding the exit to Lake Shore Drive already in the Resolution. She stated that once the revision were made the information would be reiterated to the transport delivery truck service providers that Lake Shore Drive was not an exit option for them. Commissioner Flaherty agreed with the suggestion of installing a gate. Town Manager D’Agostino expressed concern with the information may not be communicated to new transport truck drivers on a consistent bases. Ms. Booth agreed with Mayor DuBois’s suggestion of additional way-finding signs within the property. Attorney Baird suggested the following language for condition number 28 “vehicle transport trucks are prohibited from ingress and egress to the site from Lake Shore Drive and E. Ilex Drive. The applicant shall install way-finding signage clearly prohibiting transport vehicles from ingress and egress from Lake Shore Drive and E. Ilex Drive. Vice-Mayor Glas-Castro stated that if transport trucks were caught then it would be a violation that would be enforceable by Code Compliance.

#### Condition Number 29

- Vice-Mayor Glas-Castro stated that the phase III garage evaluations were not soft enough on the East and South sides of the structure. She asked that the top trellis be extended several feet to break the flat wall. Ms. Booth stated that the columns

could be extended another 12 inches beyond the building. Vice-Mayor Glas-Castro asked if the parapets could be extended another 12 inches to increase the height. Ms. Booth stated that it could be extended 12 inches, but they were trying to minimize the height increase. Mayor DuBois expects that the building would look better once it were built versus the pictures and drawings. Vice-Mayor Glas-Castro asked that the elevator shaft color match the side of the building versus the proposed aluminum. Ms. Booth agreed with the darker color change. The Commission came to consensus to not extend the trellis beams.

Condition Number 30

- Attorney Baird stated that there should be a trigger on when the revised plans would be submitted and suggested that condition number 30 be that prior to the approval of the plat, the applicant shall submit the revised architectural plans. Commissioner O'Rourke asked when was all this suppose to happen. Attorney Baird explained that conditions 27 and 28 would be approved as part of the Resolution. Commissioner O'Rourke asked what the deadline was to begin the construction of phase III. Ms. Booth explained that phase III was scheduled to begin 18 months after phase II were completed. Commissioner O'Rourke stated that he would be willing to give the applicant every opportunity necessary so that they would not build phase III and that a condition included that there would be no penalty if not phase III were not built. His position was to vote against having phase III built. Attorney Baird explained that if the applicant did not follow the Resolution with the all its conditions then the applicant would come back before the Commission to request changes to the Resolution. Mayor DuBois stated that his position was that the property was not zoned as residential; it was zoned for commercial. He stated that if Earl Stewart sold the property another property owner could propose higher density levels than the proposed project. He stated that the Town has received the best possible proposal for the area. Commissioner O'Rourke stated that it was his desire to have the phase III build with terracing instead of the proposed project. Attorney Baird stated that Mayor DuBois's suggestion of way-finding signage throughout the site directing transport delivery trucks to the appropriate entrances and exits could be included as a condition in the Resolution. He reminded the Commission that the applicant had requested that condition number 5 be modified to include Monday through Sunday.

A modification to the original motion was made.

**Motion: Commissioner Rapoza moved to approve Resolution 14-05-15 with the staff recommendations, the modification to condition number 5, and the addition of conditions 27 through 30; Vice-Mayor Glas-Castro seconded the motion.**

Vote on Motion:

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

Motion passed 4-1.

Mayor DuBois thanked staff, the residents, and the applicant for their efforts with this project.

**NEW BUSINESS:**

**8. Resolution No. 21-08-15 A request from Commercial Investments, LLC to Modify Condition #4 of Exhibit "A" of Resolution 03-01-15 Related to the Temporary use of Their Property which includes the Temporary Storage of Vehicle and an Office Trailer.**

Community Development Director DiTommaso explained the item (see Exhibit "D").

**Motion: Commissioner Rapoza moved to approve Resolution 21-08-15 with conditions; Commissioner Flaherty seconded the motion.**

Commissioner O'Rourke agrees with the delay as a result of the extended process. Vice-Mayor Glas-Castro asked if the Commission could add a condition regarding the transport delivery truck traffic to this Resolution. Ms. Booth stated that the applicant agrees not to use Lake Shore Drive or E. Ilex Drive for vehicle delivery. Mayor DuBois asked that the lot be designed so that the loading and unloading of vehicles would take place within their property. Ms. Booth stated that there would be some difficulty during construction, but they would commit to keeping the transport trucks off Lake Shore Drive and E. Ilex Drive.

Vote on Motion:

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

Motion passed 5-0

**TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:**

**Town Attorney Baird** had no comments.

**Town Manager D'Agostino** commended staff, the applicant, and the Commission on the efforts and consideration taken to arrive at the decisions made to approve the project.

**Commissioner O'Rourke** stated that he met with the staff committee to discuss the Kelsey and Lake Shore Park restrooms and Tennis Court lighting community development block grant projects. He commended Public Works Director Dave Hunt on the work he has done to get the project underway.

**Commissioner Rapoza** had no comments.

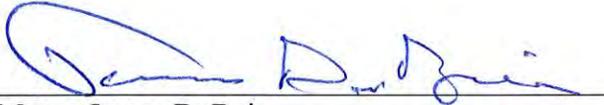
**Commissioner Flaherty** had no comments.

**Vice-Mayor Glas-Castro** stated that she attend the Florida League of Cities Annual Conference, which was energizing. She reminded everyone that the next Palm Beach County League of Cities meeting was in Royal Palm Beach on Wednesday, August 26, 2015.

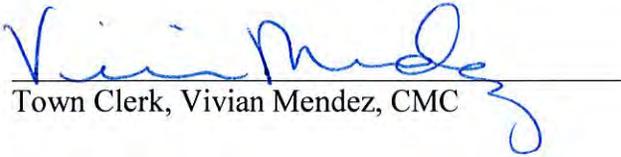
**Mayor DuBois** thanked the Vice-Mayor for attending the Governmental Affairs meeting. He stated that the Summer Reading Program's end-of-year celebration was very nice and was appreciative of the invitation. He stated that he met with staff and the staff of the City of Riviera Beach to discuss the resurfacing of Silver Beach Road. He stated that he would try to get the project on the Palm Beach County five (5)-year improvement plan. He congratulated everyone on the efforts toward the project this evening.

**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 10:30 p.m.



Mayor James DuBois



Town Clerk, Vivian Mendez, CMC



Approved on this 2 of September, 2015

819.15

Exhibit "A"

Penny Broda  
8 E. Ilex Drive  
Voting Resident of 13 years

I would like to thank everyone here tonight for making an effort to try to make a 4+ story parking garage look and fit into a residential neighborhood.

I have to say I am very disappointed in the lack of creativity on the part of the Glidden Spina Architects. After our last meeting I thought for sure with all the time they had to explore new creative ideas that they would have showed up tonight with something absolutely amazing.

Plans that would have made everyone in this room stand up and say **yes build it.**

Instead I feel they looked to the commission and residents, who are not architects, to do their job for them and come up with the ideas. So now we have a 4+ story parking garage that does not fit in well in a residential neighborhood and many many residents are still very very unhappy. See pics of Harley Davison. WPB vs. Aspen CO

Perhaps **now** is the time for The Town of Lake Park to hire an outside Architect so a building can be designed and built which is residential friendly.

I have a few questions:

I'm curious as to why Commissioner Rapoza still has the privilege to vote on the ES Project ? I believe her vote is a conflict of interest and so does many of the residents of Lake Park. If the ES project gets approved, then that means more of a reason for ES to hire Mr. Rapoza, again, especially since Commissioner Rapoza and Mr. Rapoza have been in favor of the project since the beginning.

Could this be considered as a "thank you" gift ? hmmmm.....

When will the planting on East Ilex and Lakeshore Drive start?

If and when some of the trees/shrubs die, how soon will they be replaced?

My most important question is this:

**who** is going to take responsibility in making sure that Earl Stewart follows the rules, complies with the codes, and makes good on his promises?

Current to date Earl Stewart's track record has not been so good.

It took months and months and months for the beeping of car horns to stop. There are signs on Lakeshore Drive and E. Ilex Dr. that say "no trucks". Car carriers are continuing to drive on

Lakeshore Drive and East Ilex on a daily basis. When is this going to STOP ?????? **Who is going to hold Earl Stewart accountable ?**

8.19.15

Not Residential Friendly



Residential Friendly

Exhibit "B"

# Earl Stewart Toyota PUD

(Abandonment; Future Land Use; Rezoning;  
Site Plan & Special Exception Use)

*Applicant: Urban Design Kilday Studios*

*Owner: Earl Stewart, LLC and Commercial Investments, LLC*

Staff Presentation

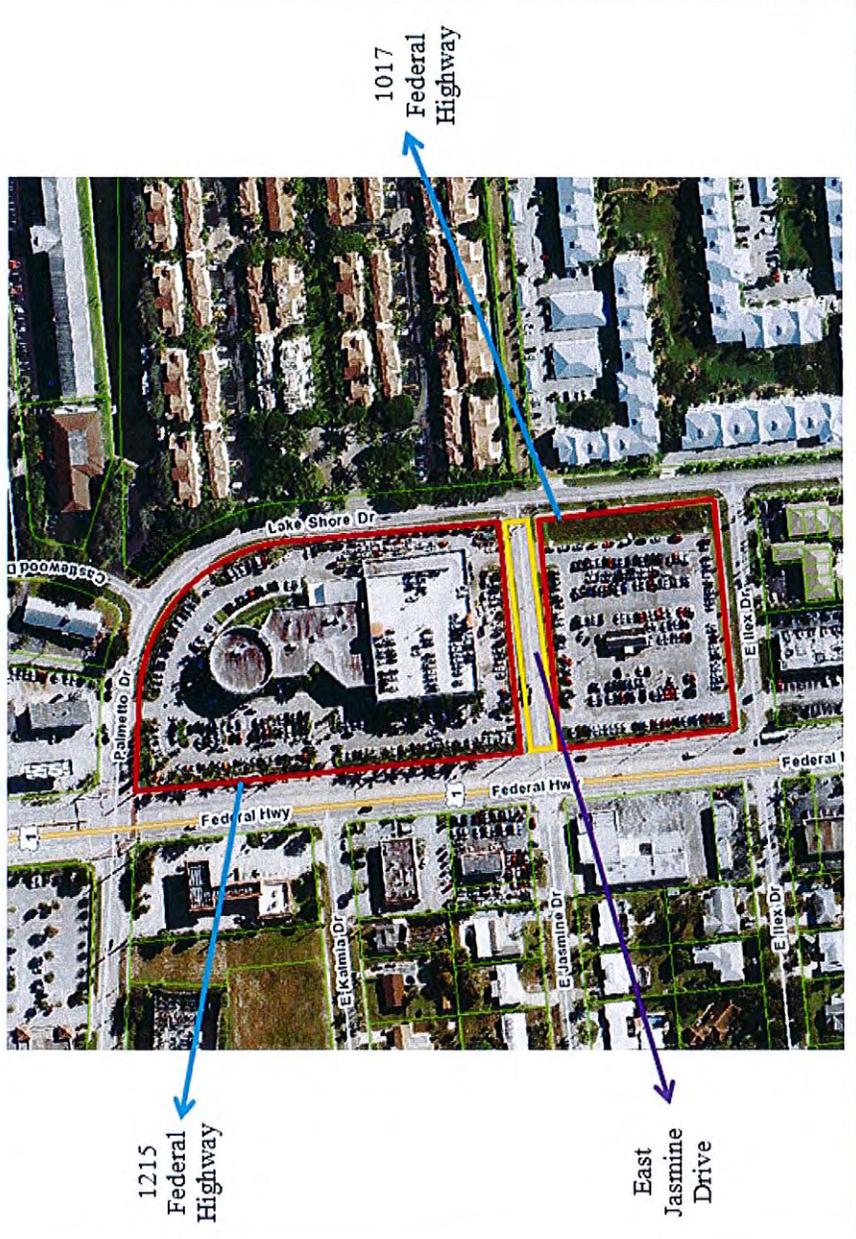
**TOWN COMMISSION**

*Wednesday, May 20, 2015 (1<sup>st</sup> readings and Resolution presentation and discussion)*

*Wednesday, June 17, 2015 (2<sup>nd</sup> readings and Resolution continued to August 19, 2015)*

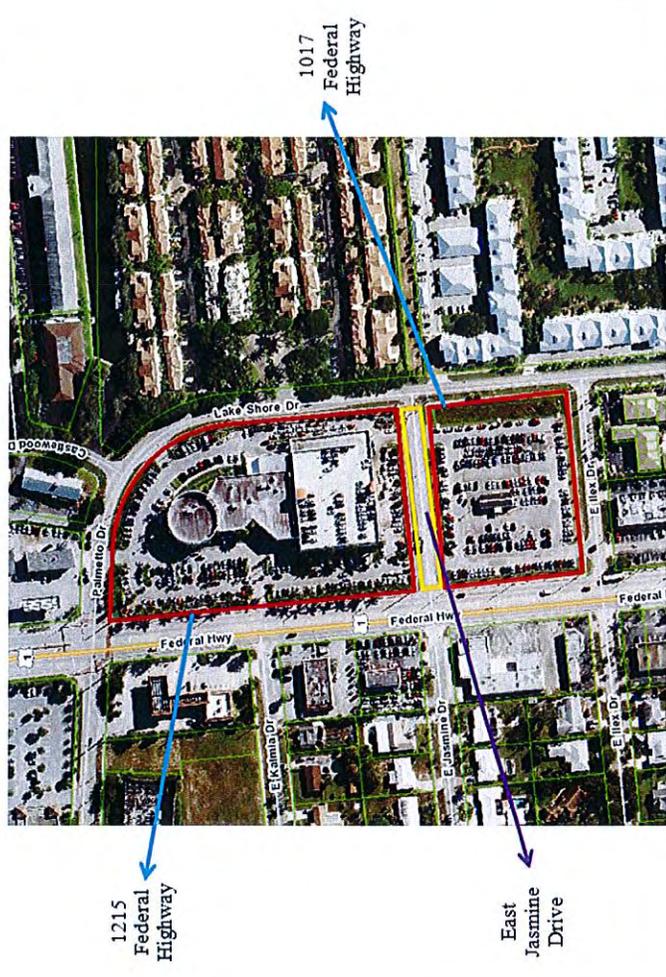
**WEDNESDAY, AUGUST 19, 2015**

# GENERAL LOCATION



# Application Process Overview

- Abandonment
- Future Land Use Map Amendment
- Rezoning
- Site Plan and Special Exception Use



## OVERALL SITE HISTORY (1215 Federal Hwy)

- ❖ Was constructed in the mid to late 1970's on 4.47 acres
- ❖ Original development of the Site included a 14,200 S.F. Park Center hardware store
- ❖ Planned Unit Development (PUD) was approved in 2003 and approved by RES 14-05-03

# OVERALL SITE HISTORY

## (1017 Federal Hwy)

- ❖ 1969: 111-unit hotel (Journey's Inn); 2,150 S.F. restaurant known as the El Colonial
- ❖ 2004: Application to abandon East Jasmine Drive right-of-way was submitted (with the overall intent to expand the dealership). Abandonment approved by Resolution 43-07-04, but expansion never occurred therefore abandonment approval became null and void
- ❖ 2010: Owner requested permission to demolish structures (hotel/restaurant); pave/landscape lot; and temporarily utilize it as a standalone vehicle storage lot with, in 2011, an office trailer as well (temporary uses are ongoing with a January 2016 expiration pursuant to Resolution 03-01-15 approved by the Town Commission)

❖ PUD land development regulations approved with the original PUD in 2003 and which are being extended include:

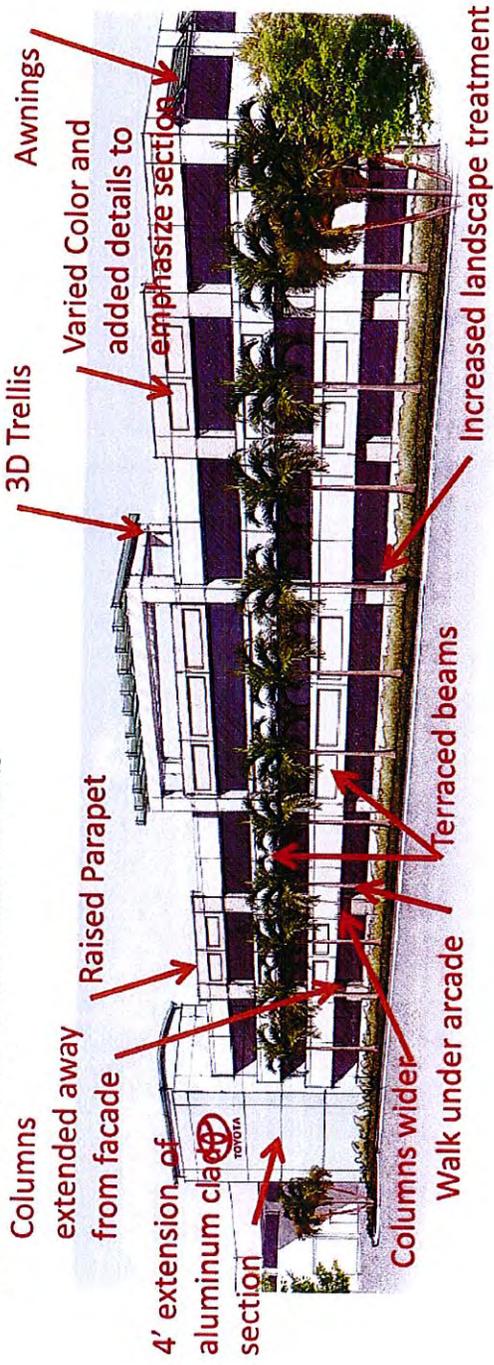
- (1) a display parking setback of 15 feet instead of 25 feet;
- (2) to allow for the spacing of shade trees along Federal Highway to be 30 feet instead of 20 feet;
- (3) the elimination of wheel stops;
- (4) no planters on the roof of the garage;
- (5) to allow a 40-foot freestanding monument sign to replace the then conforming 15-foot freestanding monument sign.

***\*\*waivers previously approved with the original PUD in the year 2004 were subject to a public benefit justification which the (then) Commission substantiated\*\****

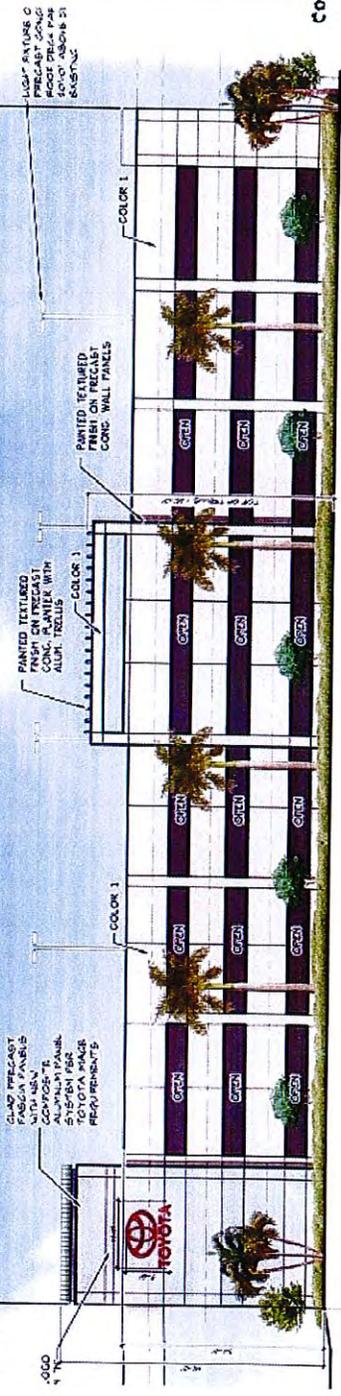


# Architectural Upgrades

## Proposed West Elevation Modifications



## Previous West Elevation



# South Façade of Parking Garage facing E. Ilex Drive



# East Façade facing Lake Shore Drive



View looking Southeast from US-1



View looking Northeast from US-1



## Public Benefits

- Furthers the aesthetics of the property by providing additional landscaping around the property and specifically on those sides adjacent to residential communities
- Large commercial carriers would no longer be allowed to use Lake Shore Drive to enter or exit the dealership through conditions of approval on the site plan application
- This expansion will foster the redevelopment of an area that is being underutilized and will inherently increase the Town's tax base
- Additional bench seating around the perimeter of the site to promote the area's recreation and public use
- Bus stop shelter for the community on the corner of Federal Highway and Palmetto Road
- Proposal to pursue Leadership in Energy and Environmental Design (LEED) certification in their redevelopment efforts in an attempt to promote green initiatives and sustainability

Net improvement in water quality

## Car Wash - Noise Control

- Hours of operation are conditioned, limiting the operating hours to 8:00am-7:00pm. Monday through Saturday
- Use of a 30 HP blower (used at 60-second intervals, 5 minutes apart) which reduces the noise within 30 feet to the level of noise produced by a house vacuum cleaner or lawnmower
- Relocation of the car wash not possible due to the circulation and the parking impacts
- Possible condition of approval

Staff recommends **ADOPTION/APPROVAL** (in this order):

- (1) Ordinance 02-2015** with the conditions of approval that include payment within 90 days of the appraised value of the property, which was appraised a second time at \$320,000.
- (2) Ordinance 06-2015** for the Future Land Use Map Amendment of the 0.49 acre portion of East Jasmine Drive which would assign and Commercial/Residential land use designation.
- (3) Ordinance 03-2015** for the Rezoning of the 0.49 acre portion of East Jasmine Drive and 1017 Federal Highway(US-1) to a Planned Unit Development with an underlying Commercial-1 district designation.
- (4) Resolution 14-05-15** with conditions of approval, for the special exception use approval of a Motor Vehicle Sales establishment and the site plan approval of a phased expansion plan for the Earl Stewart Toyota dealership.

*(separate time extension Resolution also being requested)*

THANK YOU

QUESTIONS/COMMENTS

*APPLICANT PRESENTATION TO FOLLOW*

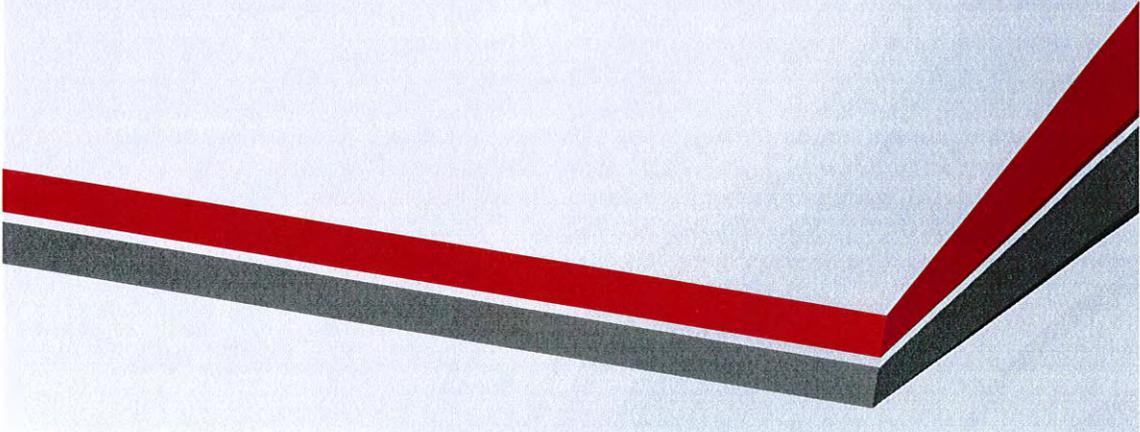


Exhibit "C"

# EARL STEWART TOYOTA OF LAKE PARK

Lake Park Town Commission

August 19, 2015

Earl Stewart Toyota 



# Requests

- ▣ Ord. 02-2015 – Abandonment of .49 acre portion of Jasmine Drive
- ▣ Ord. 06-2015 - Small Scale Future Land Use Map Amendment for Jasmine Drive – Commercial/Residential
- ▣ Ord. 03-2015 – Rezoning 1017 Federal Highway from C-1 to PUD and Assign PUD designation to abandoned ROW
- ▣ Res. 14-05-15 – Amending Res 14-05-03 Site Plan Approval, and Special Exception for Motor Vehicle Sales Establishment
- ▣ Res. 21-08-15 – Amendment of Condition #4, to allow an extension of time for the removal of the sales trailer

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STUDIOS





# North Elevation Changes

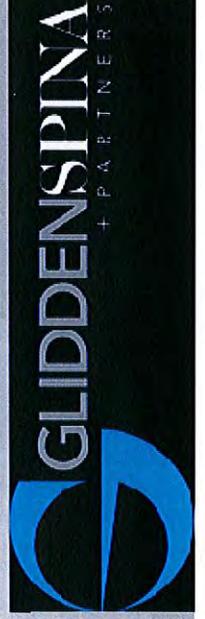
- Existing Condition



- Proposed Design



Earl Stewart Toyota 



# Elevation Changes

- Existing Conditions



- Current Design



# Garage Architectural Comments

## from June 17<sup>th</sup> Hearing

- ▣ Compatibility with surrounding properties
- ▣ Increased Modulation of western façade
- ▣ Soften and articulate façade:
  - Greater depths of offsets
  - Vertical articulation
  - Modify ventilation opening sizes
  - Overhangs to create shadows
  - Roofline modulation

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# Proposed West Elevation Modifications

Columns extended away from facade

4' extension of aluminum clad section

3D Trellis

Raised Parapet

Awnings

Color added to emphasize section

Etched Relief

Columns wider

Terraced beams

Walk under arcade

Increased landscape treatment



# Previous West Elevation

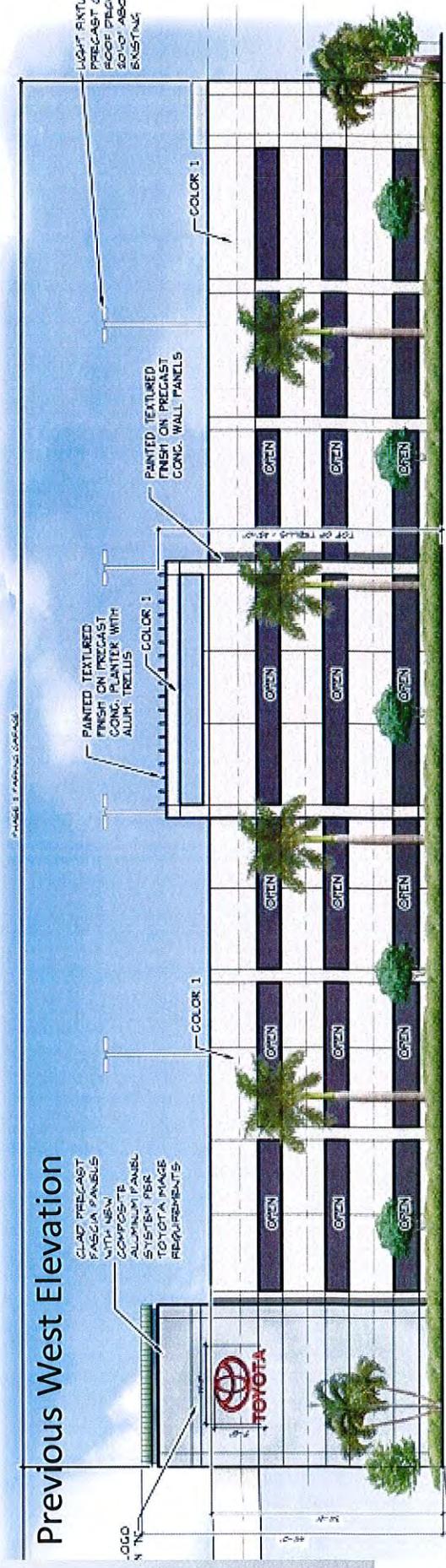
CLAD PRECAST FACIA PANELS WITH NEW COMPOSITE ALUMINUM PANEL SYSTEM PER TOYOTA PHASE REQUIREMENTS

PAINTED TEXTURED FINISH ON PRECAST CONC. PLANTER WITH ALUM. TRELLIS

PAINTED TEXTURED FINISH ON PRECAST CONC. WALL PANELS

LIGHT FIXTURE & PRECAST CONC. ROOF DECK TRAP 30'-0" ABOVE OF EXISTING

PHASE 3 PARKING GARAGE





# Garage East Elevation Changes

- Previous Design



- Proposed Design



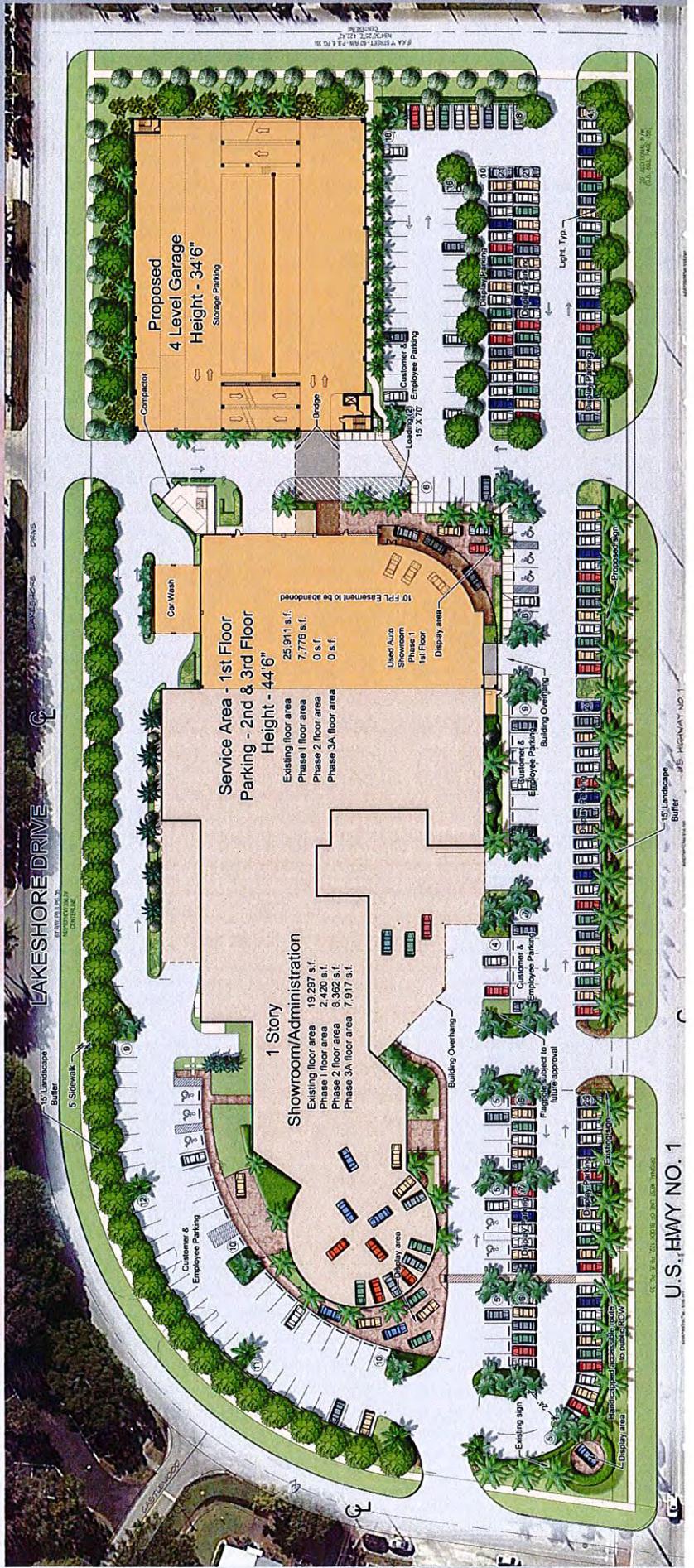
# SITE MODIFICATIONS

Increased landscape buffer in parking lot

Relocated sidewalk

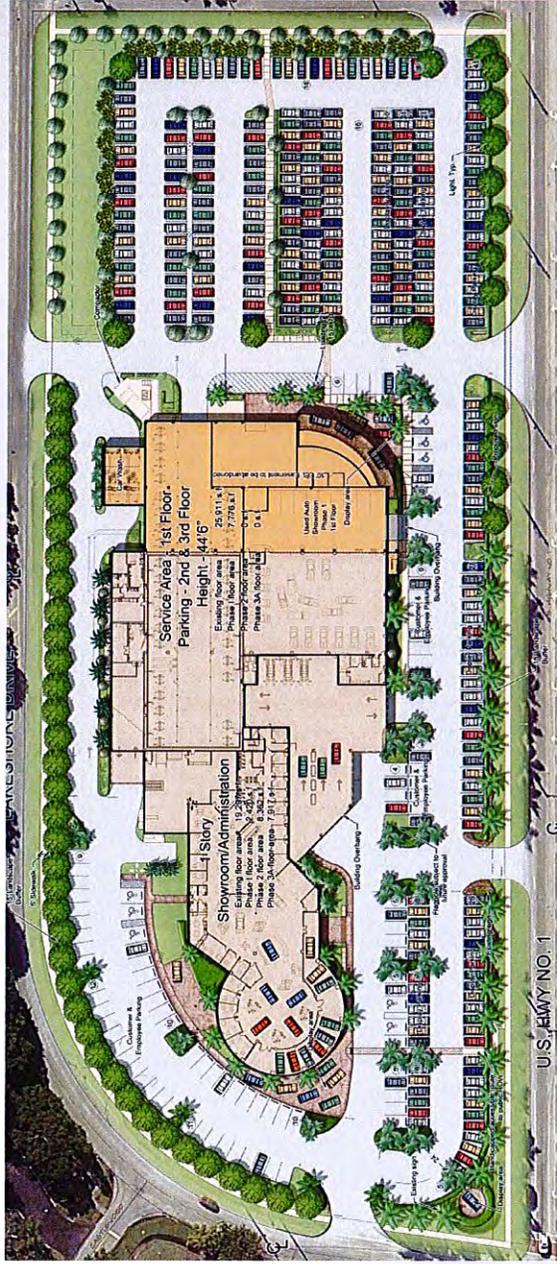
Increased trees along building

Royal Palms North of Driveway



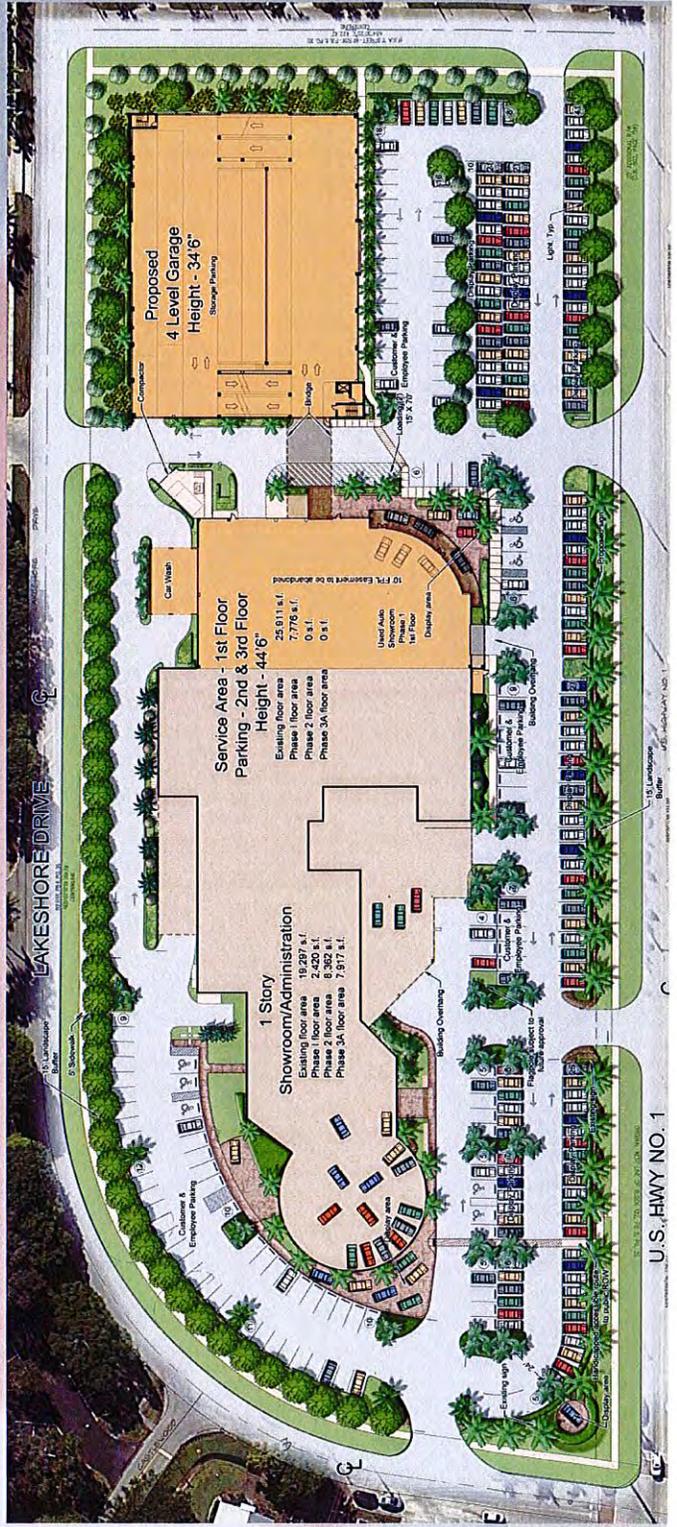
# Modifications Since Original Submittal

- Park Seating
- Bus Shelter
- Increased Landscaping
- Green Screen
- LEED Upgrades
- Alucobond
- Awnings
- Embossed Patterns
- Terraced Façade
- Roof treatments



**Estimated  
Additional  
Costs:  
\$400,000**

**Expenses to  
date:  
\$400,000**



# Phasing Schedule



## Phase 1:

- Commencement : January 2016
- Completion: 14 months – February 2017

## Phase 2:

- Commencement : February 2017
- Completion: 8 months – October 2017

## Phase 3:

- Commencement : 18 months from completion of Phase 2 or no later than October 2020

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# Car Wash

- ▣ Hours of Operation
  - Condition limitation to 8:00 AM to 7:00 PM, Monday through Saturday
- ▣ Noise Levels
  - 30 HP Blower reduces noise within 30' to level of house vacuum cleaner or lawnmower
  - Time frame for blower: 60 second intervals, no more frequent than 5 minutes apart
  - Closest residential building is approx. 150 feet away. Distance reduces the noise level to a speaking voice
- ▣ Re-Location
  - Circulation and parking would be impacted
  - Noise levels would have increased impact on Ilex with relocation or re-orientation

Earl Stewart Toyota 



# ROW Appraisal

- ▣ Original Appraisal
  - \$300,000
- ▣ New Appraisal
  - \$320,000
- ▣ New appraisal validates the original appraisal
  - Less than a 7% increase
  - Commitment to original agreement – high or low

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# Time Extension

- ▣ Estimated Construction and Permitting Schedule
  - Plat approval, permits issued, mobilization – January 2016
  - Completion of Phase 1 – February 2017
- ▣ Sales Trailer Removal
  - May 31, 2016
  - Infrastructure installation
  - Paving and landscaping – Prior to CO for Phase 2 – October 2017

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# Public Benefits

- ▣ No additional waivers are being requested
- ▣ Increased width of Landscape Buffers on east and south to screen development from neighbors
- ▣ Screening and buffering of residents from site activities through design and placement of buildings
- ▣ Extension of linear park seating and bus stop shelter
- ▣ Project exceeds open space and landscape areas required by code
- ▣ Reduction of curb cuts/access points and access to Lake Shore Drive

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STUDIOS

# Public Benefits

- ▣ Reduction of height allowed by PUD
- ▣ Reduction of existing non-conformities
- ▣ Improved Public Safety
- ▣ Enclosure and elimination of noise producing activities
- ▣ LEED Certified construction
- ▣ Improved parking and circulation
- ▣ Restrictions on use of Lake Shore Drive
- ▣ Improved drainage, water quality and utility connections

Earl Stewart Toyota 



# Public Benefits

- ▣ Improvements to commercial development will hopefully serve as a catalyst for other commercial development improvements
- ▣ Increased property value – stabilized economic base for the Town
- ▣ Additional jobs
- ▣ Town is paid for ROW abandonment
- ▣ Successful business equals economic support for families and businesses in Lake Park

Earl Stewart Toyota 



# Comments?

The following members of the team are here:

- ▣ **Stu and Josh Stewart, Earl Stewart Toyota**
- ▣ **Danny Brown, GliddenSpina**
- ▣ **Todd McLeod, McLeod McCarthy & Associates, P.A.**

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# EARL STEWART TOYOTA OF LAKE PARK

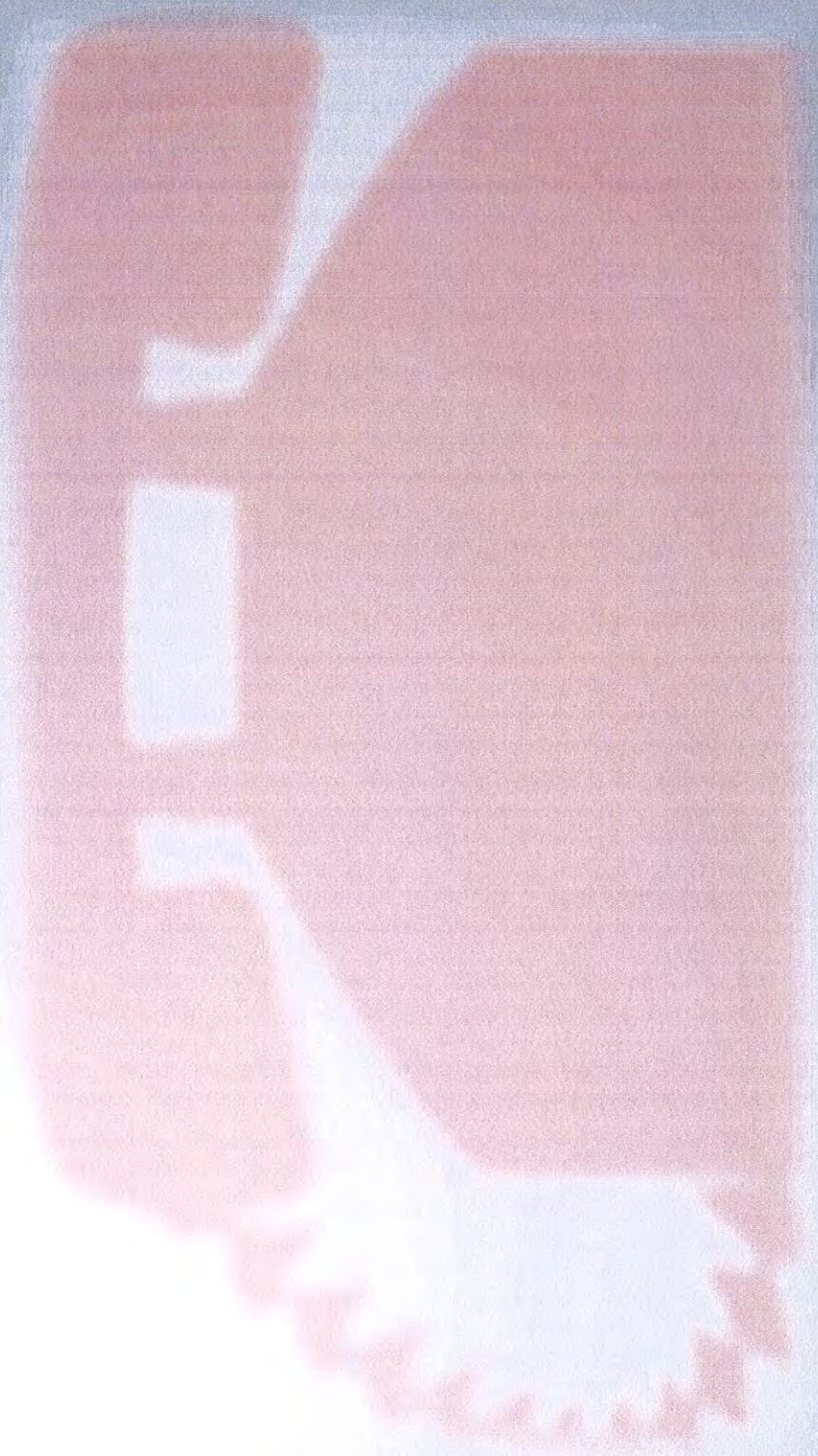
Lake Park Town Commission

August 19, 2015

Earl Stewart Toyota 



# Thank You

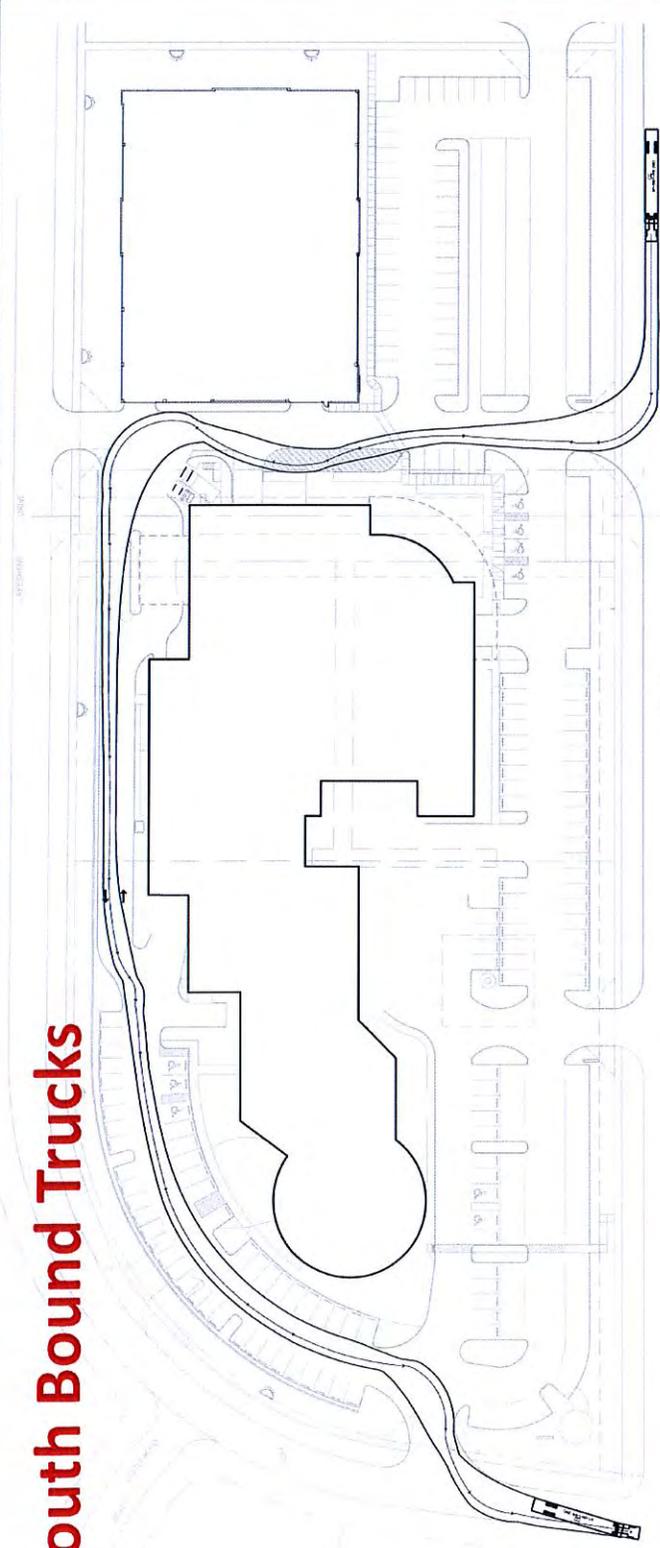


Earl Stewart Toyota 

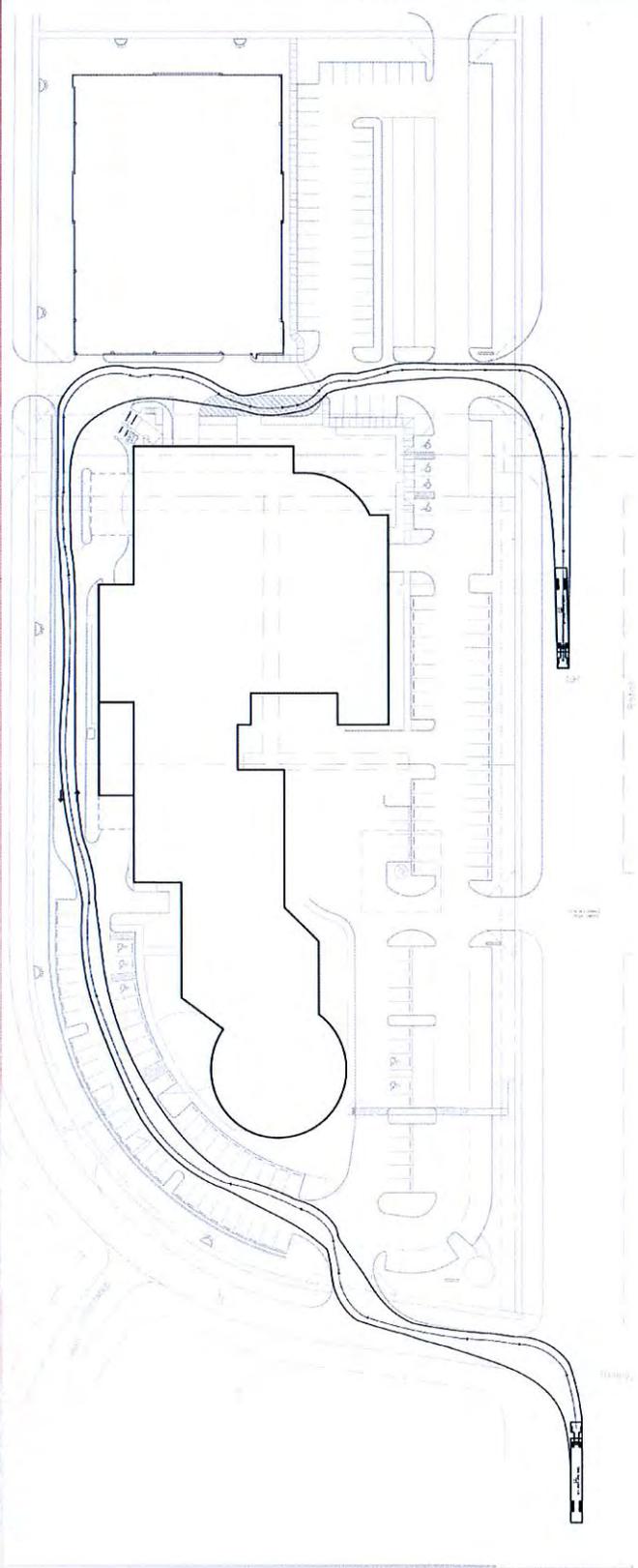


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## South Bound Trucks



## North Bound Trucks



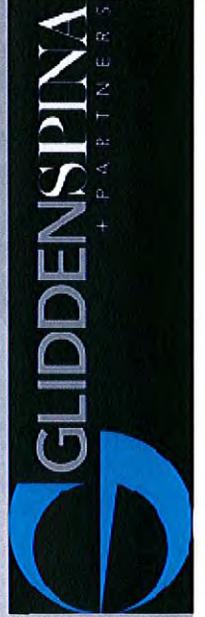
**Deliveries:  
During  
Normal  
Business  
Hours**

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

# West & East Elevations



Earl Stewart Toyota



# Estimated Tax Revenue

- ▣ Estimated Cost of Improvements
  - Phases 1 and 2: \$12 million
- Estimated tax increase \$289,643
- Phase 3: \$8 million
- Estimated tax increase - additional \$203,297
- Additional Land Area from ROW: \$300,000
- Estimated tax increase – additional \$38,923

Earl Stewart Toyota 



# Previously Approved Waivers

- Section 32-89 Supplemental Parking Requirements:  
To allow a 15-Setback from the street line for the display of vehicles
  - Design consistency in the width of the existing buffers
  - Allows improved visibility of display cars
  - Allowed an improvement from existing site conditions
  - Exceeds conditions of other similar uses in the Town



# Previously Approved Waivers

- ▣ Section 32-146 Minimum Landscape Requirements:  
To allow an increase in the spacing of trees to 30' on center along US Highway 1
  - Allowed for the appropriate spacing of trees (Royals 25' spd - 40'-50' oc - Buttonwood 15' spd - 30' oc)
  - Allows for increased visibility
  - Modified by TC - limited to US Highway 1 frontage only
  - Proposed design consistency
  - Additional plant material has been added elsewhere to offset difference
  - Increased open space from 15% to 20%



# Previously Approved Waivers

- ▣ Section 32-146 Minimum Landscape Requirements:  
To allow the elimination of wheel stops
  - Landscape areas are protected by curbing
  - Wheel stops are a liability, maintenance issue and trip hazard
  - Improved mobility and efficiency for placement of vehicles

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# Previously Approved Waivers

- ▣ Section 32-146 Minimum Landscape Requirements:  
To allow the elimination of roof top planters
  - Roof top planters are a maintenance concern
  - Substantial structural and support requirements add significant costs
  - Additional height will bring more attention to garage
  - Additional planting has been provided at ground level
  - Garage is intended for storage of vehicles, not as a typical parking area requiring shade

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# Previously Approved Waivers

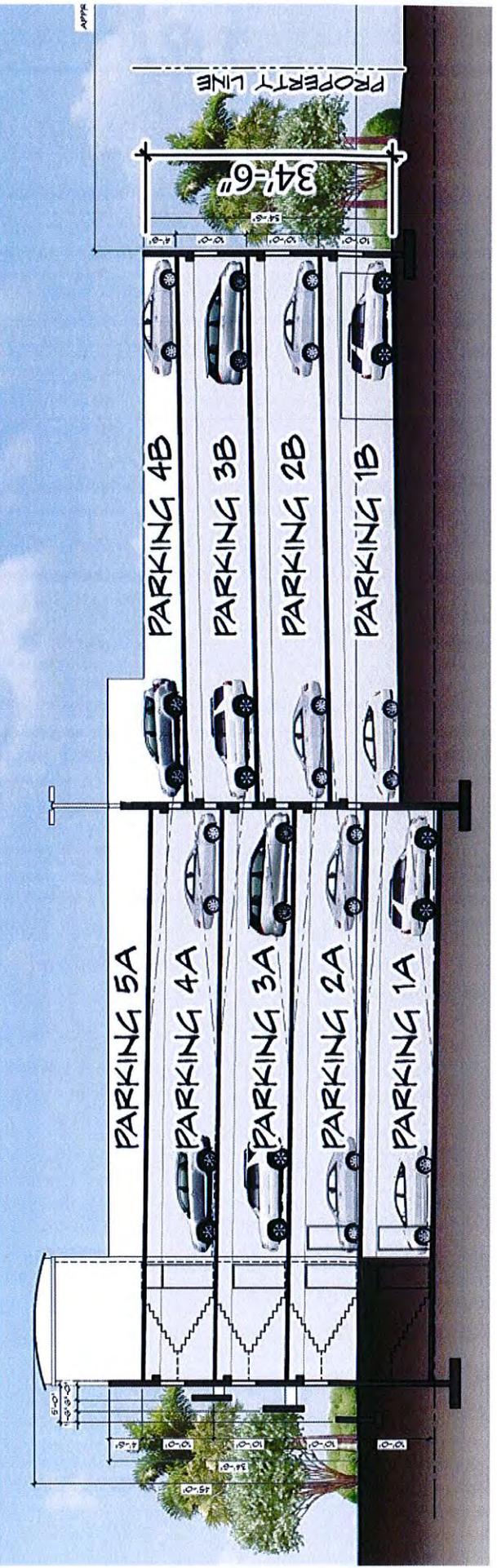
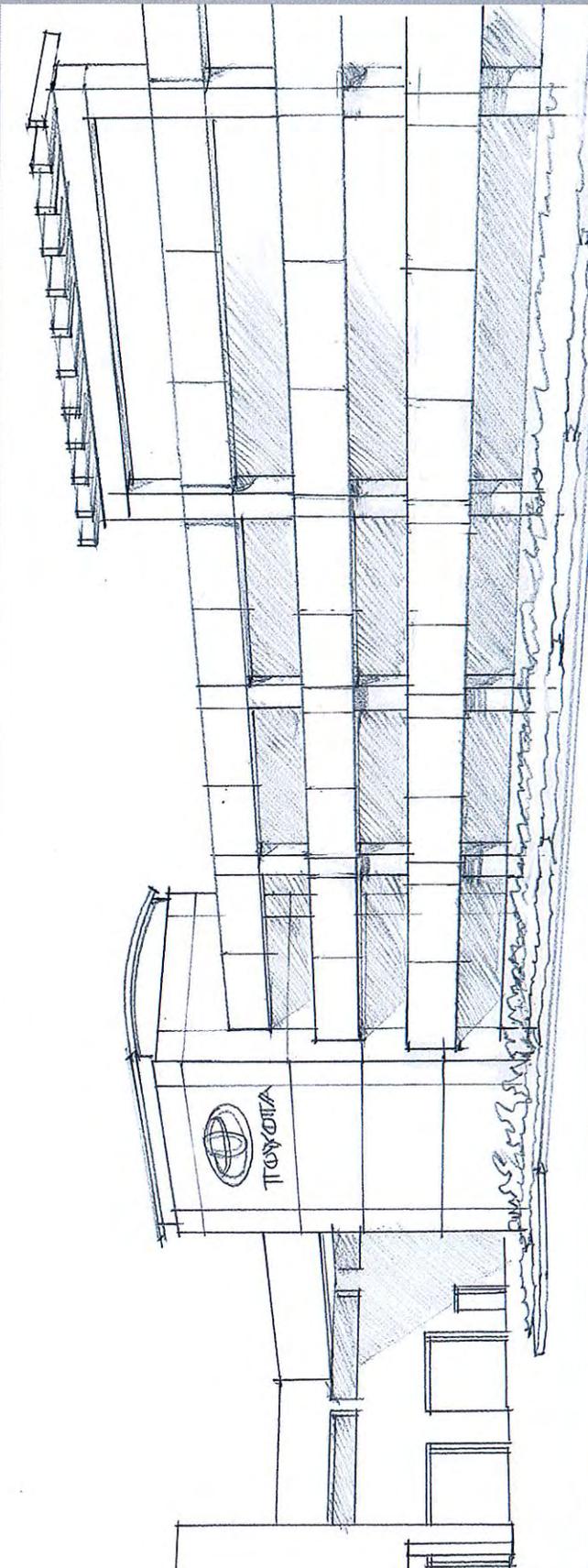
- ▣ Section 32-53 Permitted Signage: To allow one 40-foot freestanding sign and one 15' freestanding sign
  - Sign design was dictated by Corporate Toyota
  - Original request was for one 45' sign and one 15' sign OR two 30' signs
  - TC approved one 40' sign and one 15' sign
  - Condition of approval limits 40' sign to Earl Stewart use only
  - Current application replaces the 15' sign to meet code
  - Signs provide visibility from Northlake Boulevard to compensate for location



Earl Stewart Toyota 



# Alternate Proposal



# Garage Elevation Changes

- Original Design



- Current Design



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# Right-of-Way Abandonment

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

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# Right-of-Way Abandonment

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

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# Right-of-Way Abandonment

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

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# Impacts to Surrounding Properties

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

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# FLUP Amendment Request

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

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# Jasmine Drive Right-of-Way



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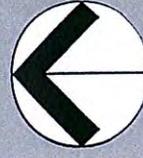
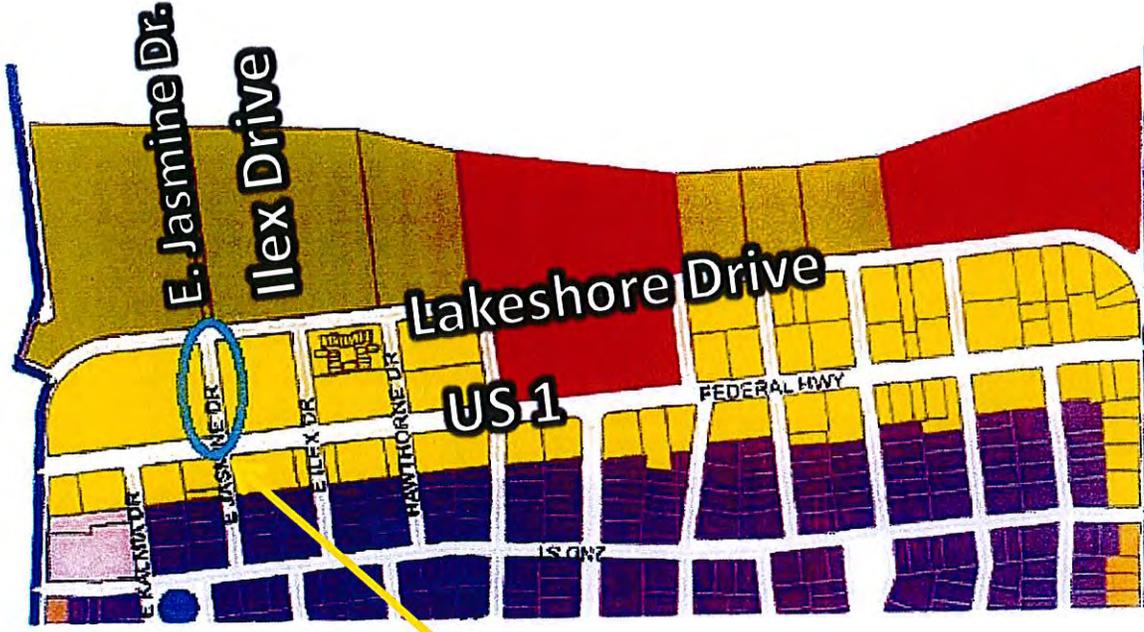


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# Consistent with Surrounding Properties

## Legend

-  Bioscience\_2
-  Conservation
-  Annexation
-  Condo\_density
-  Resi\_Low\_Density
-  Resi\_medium
-  Single\_Fam
-  Downtown
-  Comm\_Lt\_Industrial
-  Comm\_Residential
-  Commercial
-  Lake\_Park\_Boundary
-  Pub\_Bldg\_Grounds
-  Rec\_Lands
-  Other\_Pub\_Facilities



# Rezoning Request

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

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# Site Plan and Special Exception Requests

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

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

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# Site Plan and Special Exception Requests

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

Earl Stewart Toyota 



# Site Plan and Special Exception Requests

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

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# LEED Benefits

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

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# Noise Reduction Measures

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

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# Proposed Development – Phases I & II



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Master Site Plan  
Scale: 1" = 30'



EARL STEWART TOYOTA  
LAKE PARK, FLORIDA

# Proposed Development – Phase III



# View Looking Northeast from US 1



VIEW LOOKING NORTHEAST FROM US HWY 1



EARL STEWART TOYOTA  
LAKE PARK, FLORIDA

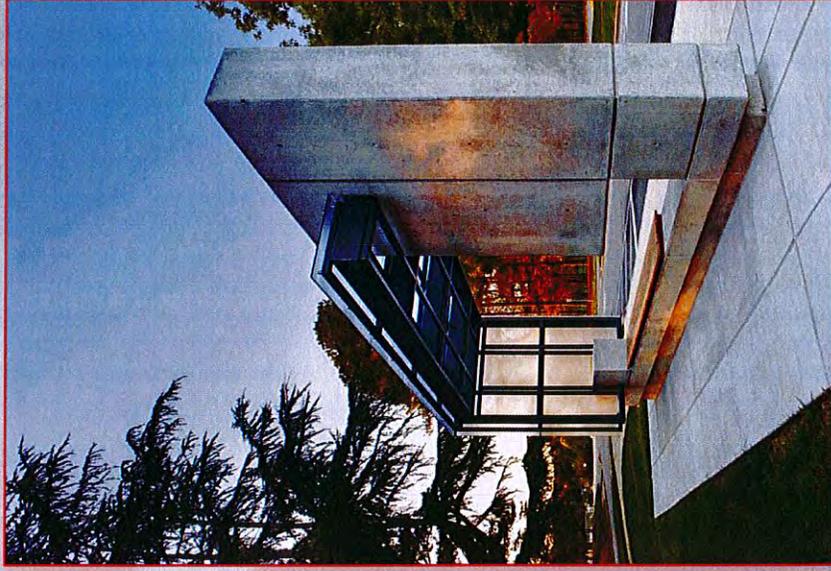
# View Looking Southeast from US 1



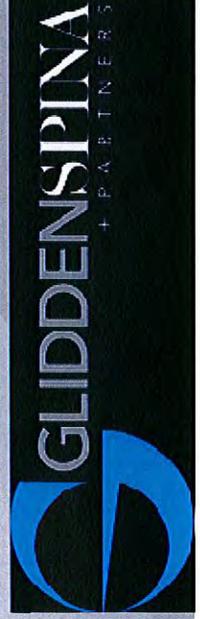
VIEW LOOKING SOUTHEAST FROM US HWY 1

  
EARL STEWART TOYOTA  
LAKE PARK, FLORIDA

# Bus Shelter Examples



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# Proposed Phases I & II



**EARL STEWART TOYOTA**  
LAKE PARK, FLORIDA



Master Site Plan  
Scale: 1" = 30'



# Proposed Development – Phases I & II

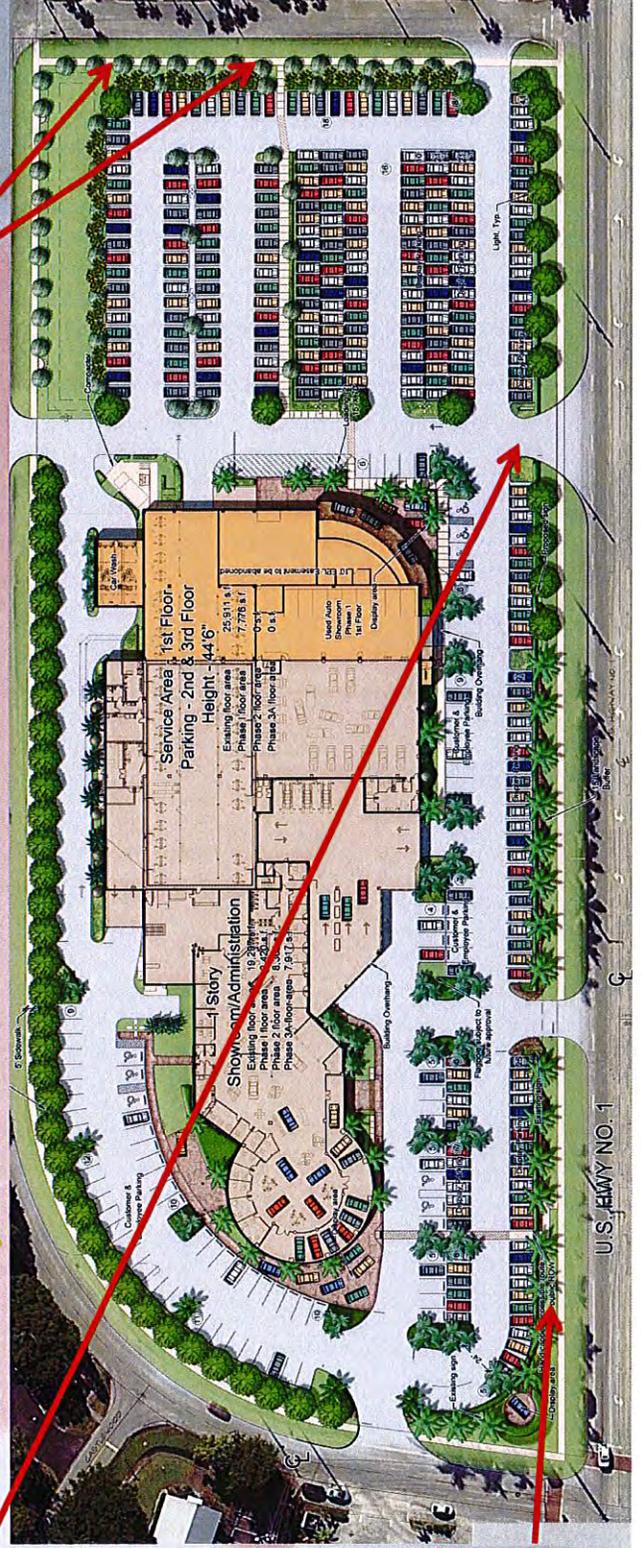


Previous Submittal

Additional  
Park Seating

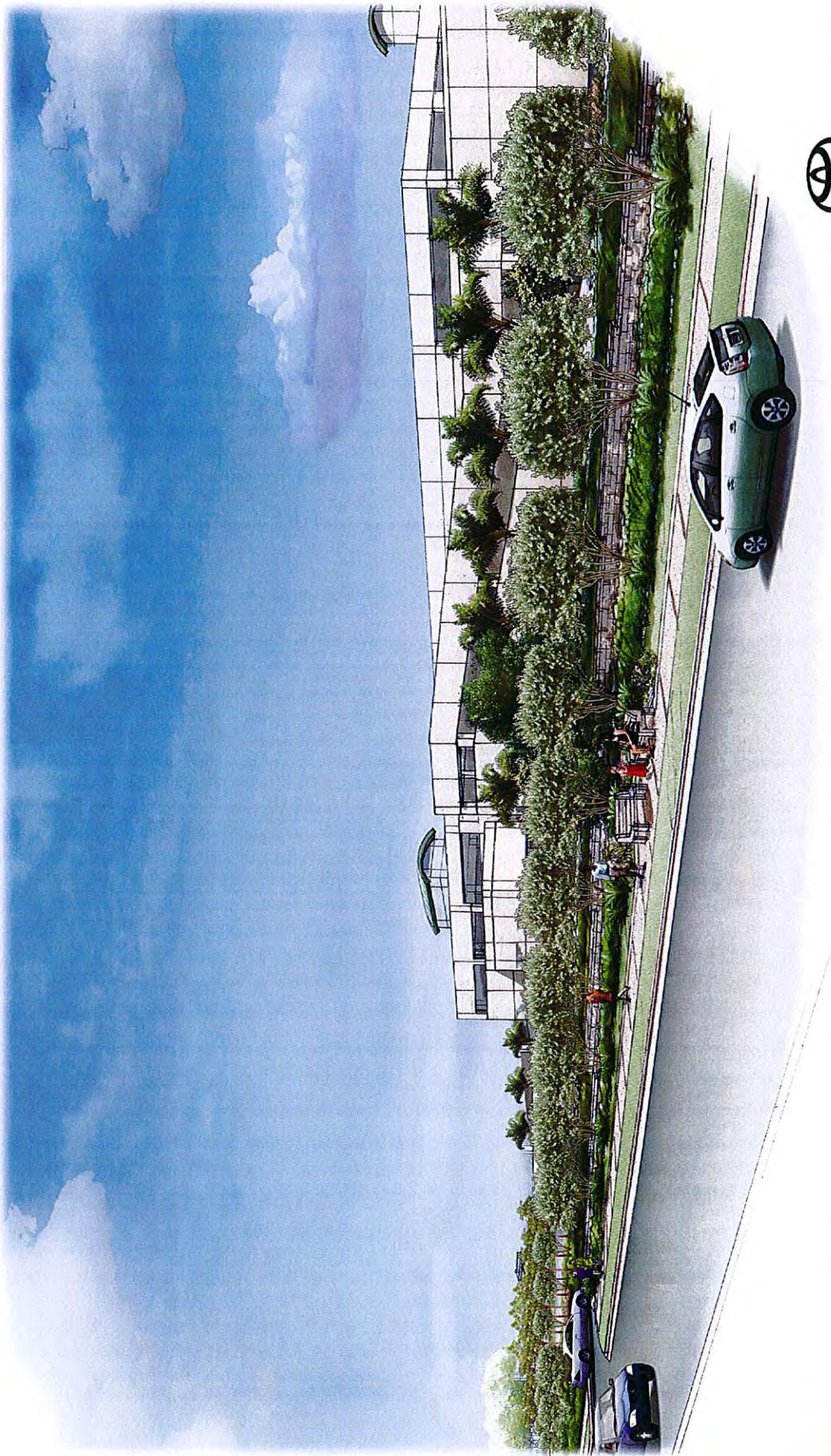
Current Proposal

Relocated  
Entrance



Addition of  
Bus Shelter

# View Looking Southwest from Lakeshore – Phase I & II

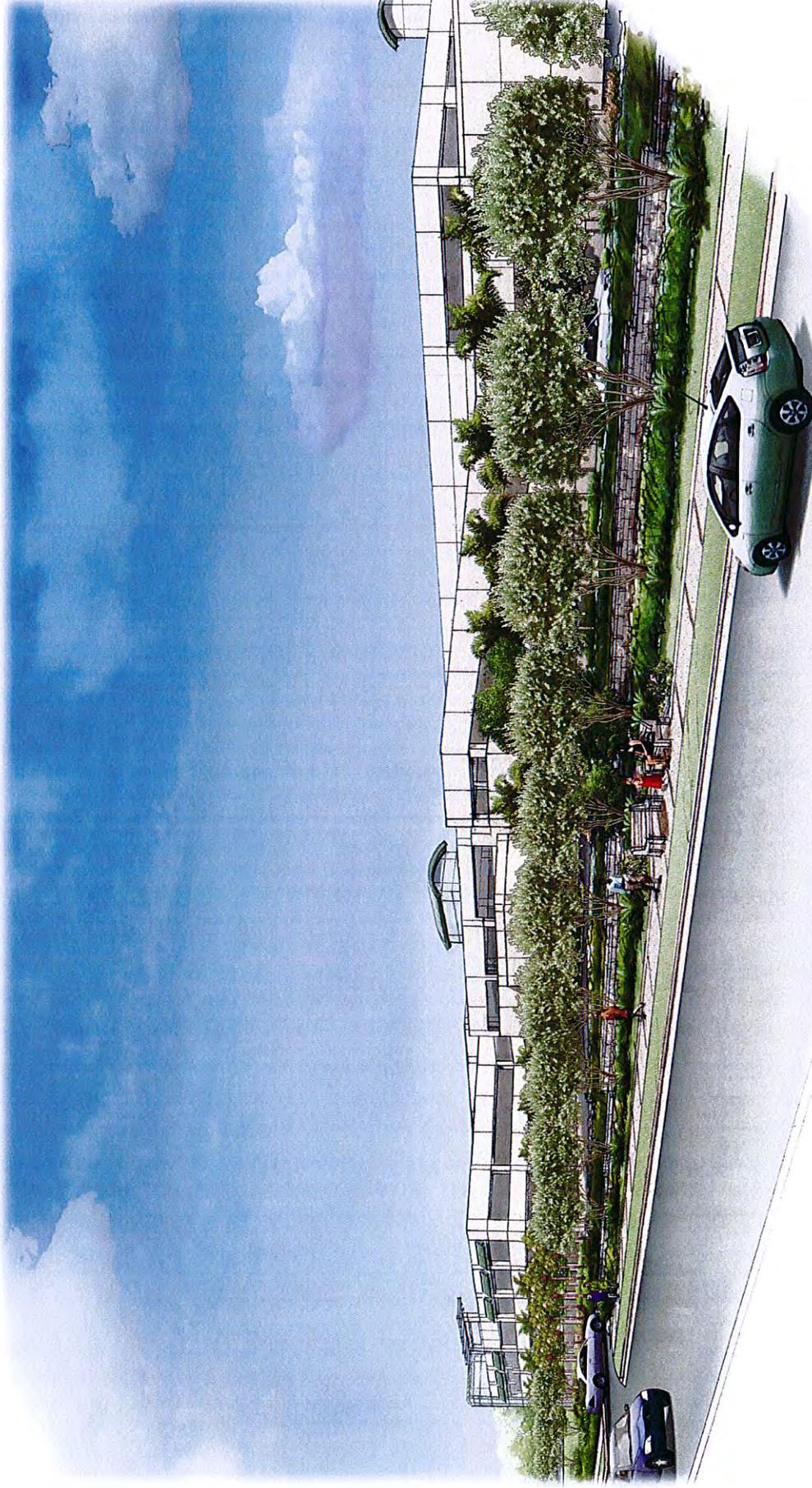


REAR VIEW  
PHASE I



EARL STEWART TOYOTA  
LAKE PARK, FLORIDA

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



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



REAR VIEW  
PHASE III AFTER 5 YEARS GROWTH



EARL STEWART TOYOTA  
LAKE PARK, FLORIDA

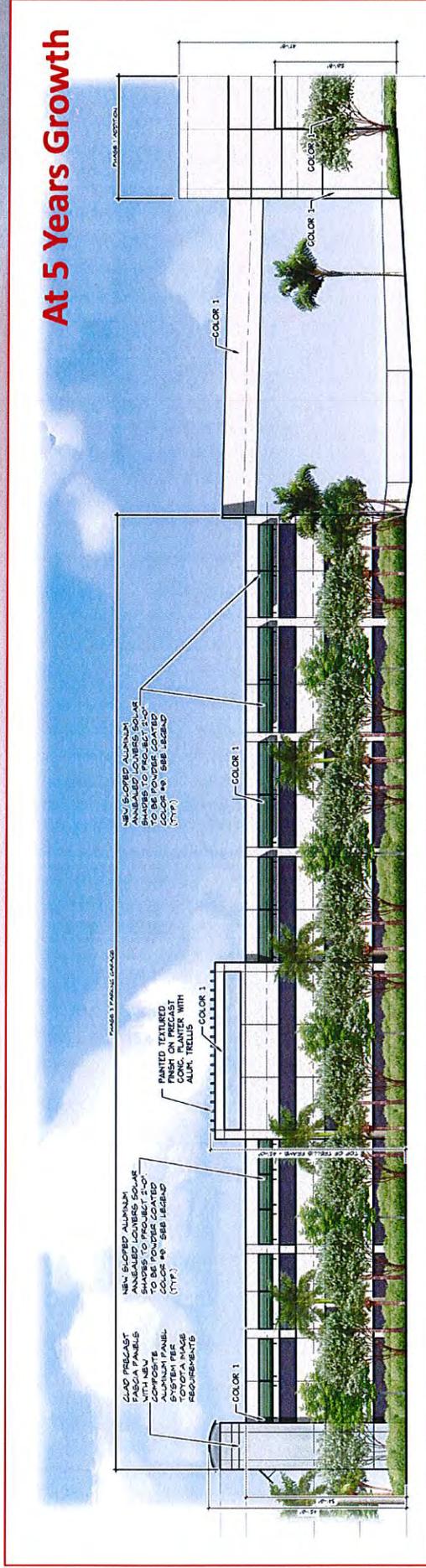
# Phase III

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

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# Parking Garage – East Elevation



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

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# Parking Garage – South Elevation

At 5 Years Growth



PARKING GARAGE

3 PHASE 3 - SOUTH ELEVATION

SCALE: 1/16"=1'-0"

▣ Landscaping proposed around base of garage

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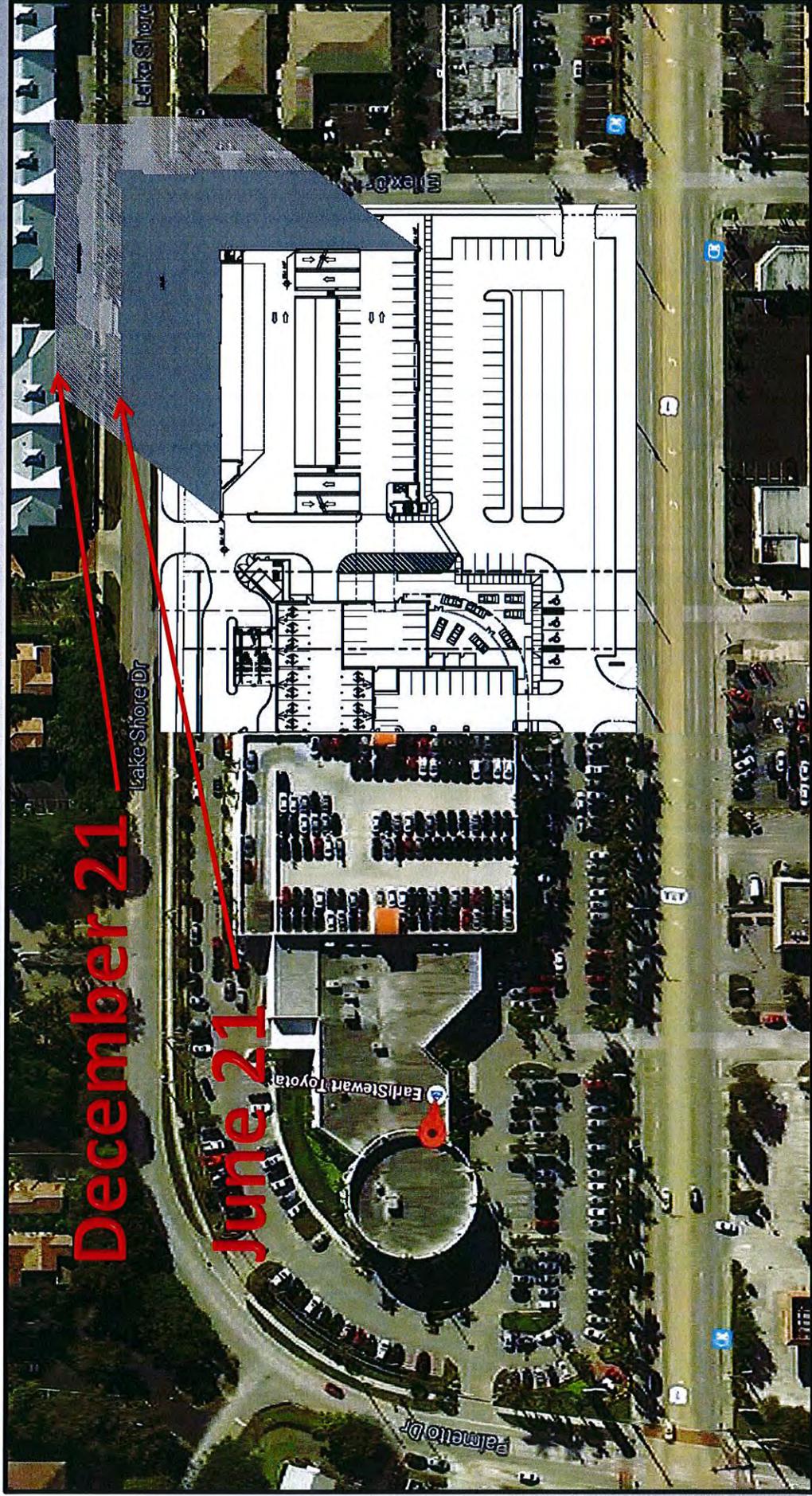
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# Shadow Study



# 1017 Federal Highway

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

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# 1017 Federal Highway

## ▣ Current Uses Permitted:

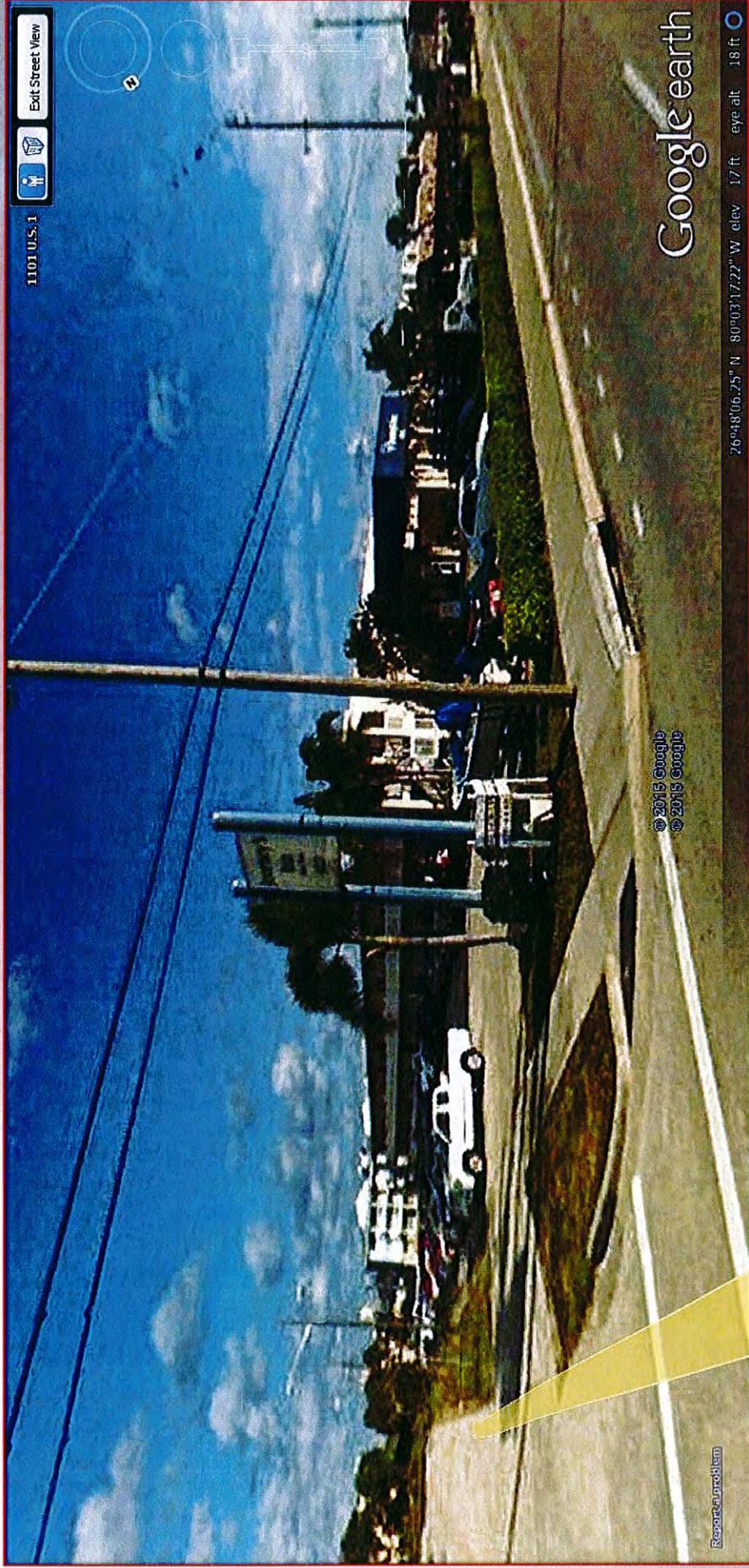
- Animal day care establishment
- Bakeries (non-retail)
- Banks
- Offices
- Outdoor miniature golf
- Pet shop
- Restaurants
- Shops (retail)
- Indoor theatres
- Instructional studios
- Transient residential use

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# 1969 – 2010: Journey's Inn



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# Public Benefits

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

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# Public Benefits

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

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# Public Benefits

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

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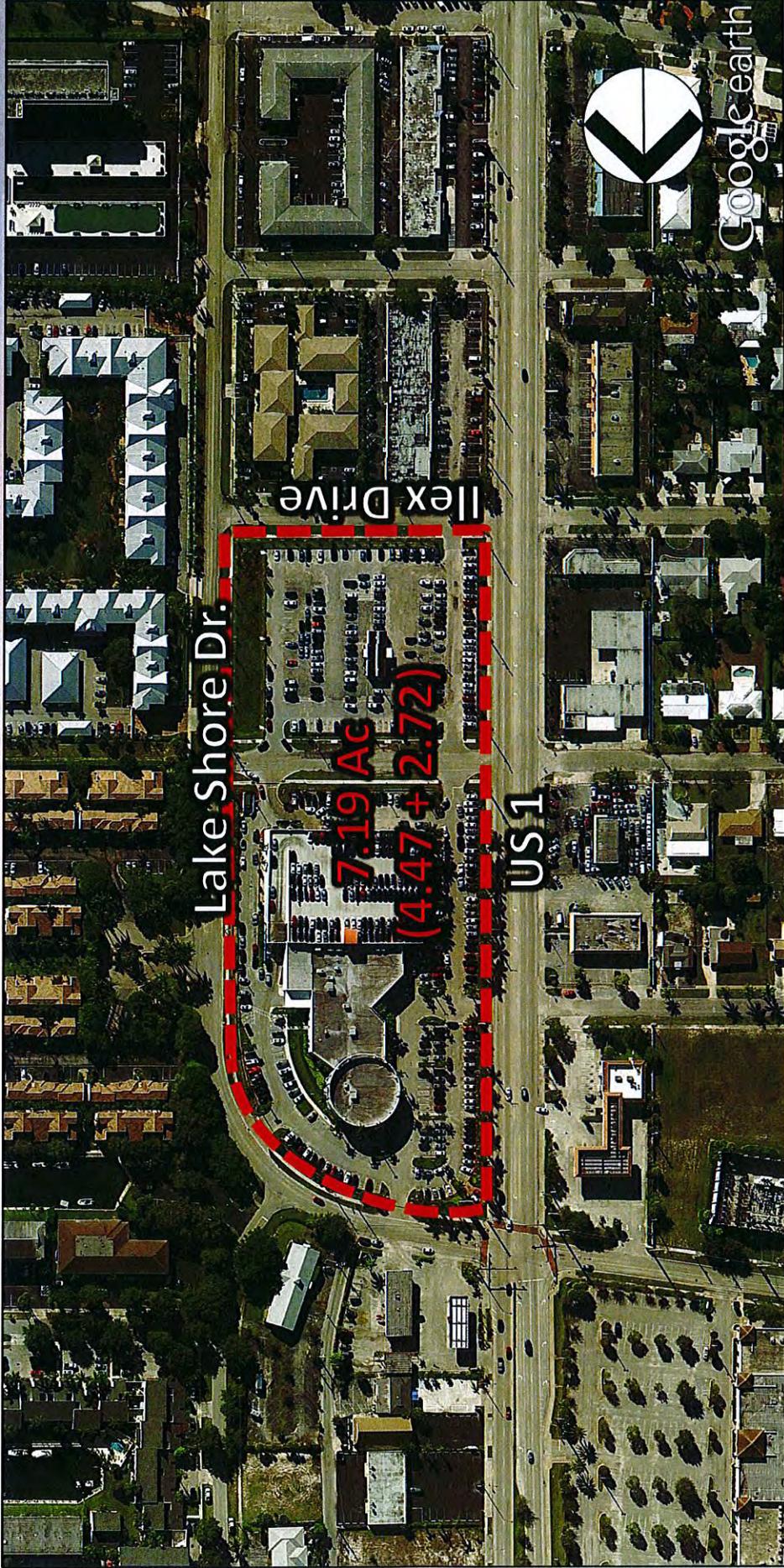
# Recommendations

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

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# Site

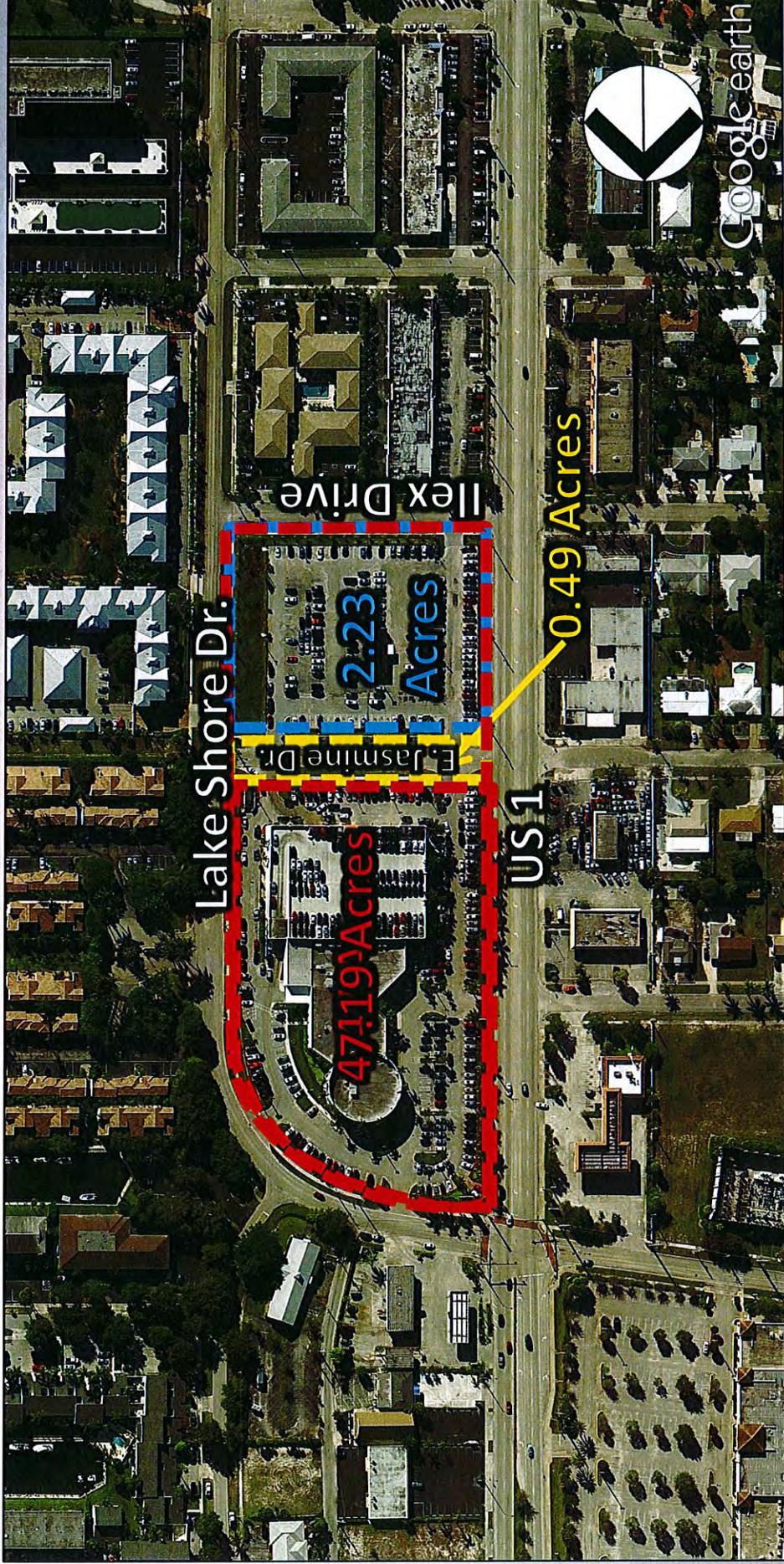


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# Acreage Breakdown



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# 1921: Kelsey City Plat



KELSEY CITY  
8 SHEETS  
SHEET No 7

*W. F. Shanks  
Plat No 7  
Book 18  
Page 8  
Date 8/2/21*

# 1953 Aerial



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# 1965

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

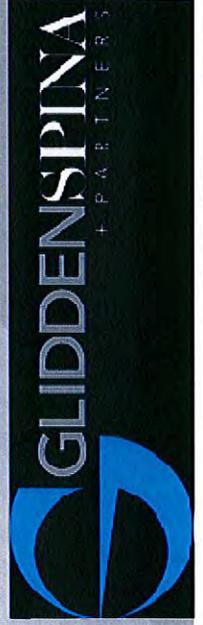
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1968  
Aerial



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# Non-Conforming Sign

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



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# Drainage

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

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STUDIOS

# Temporary Use

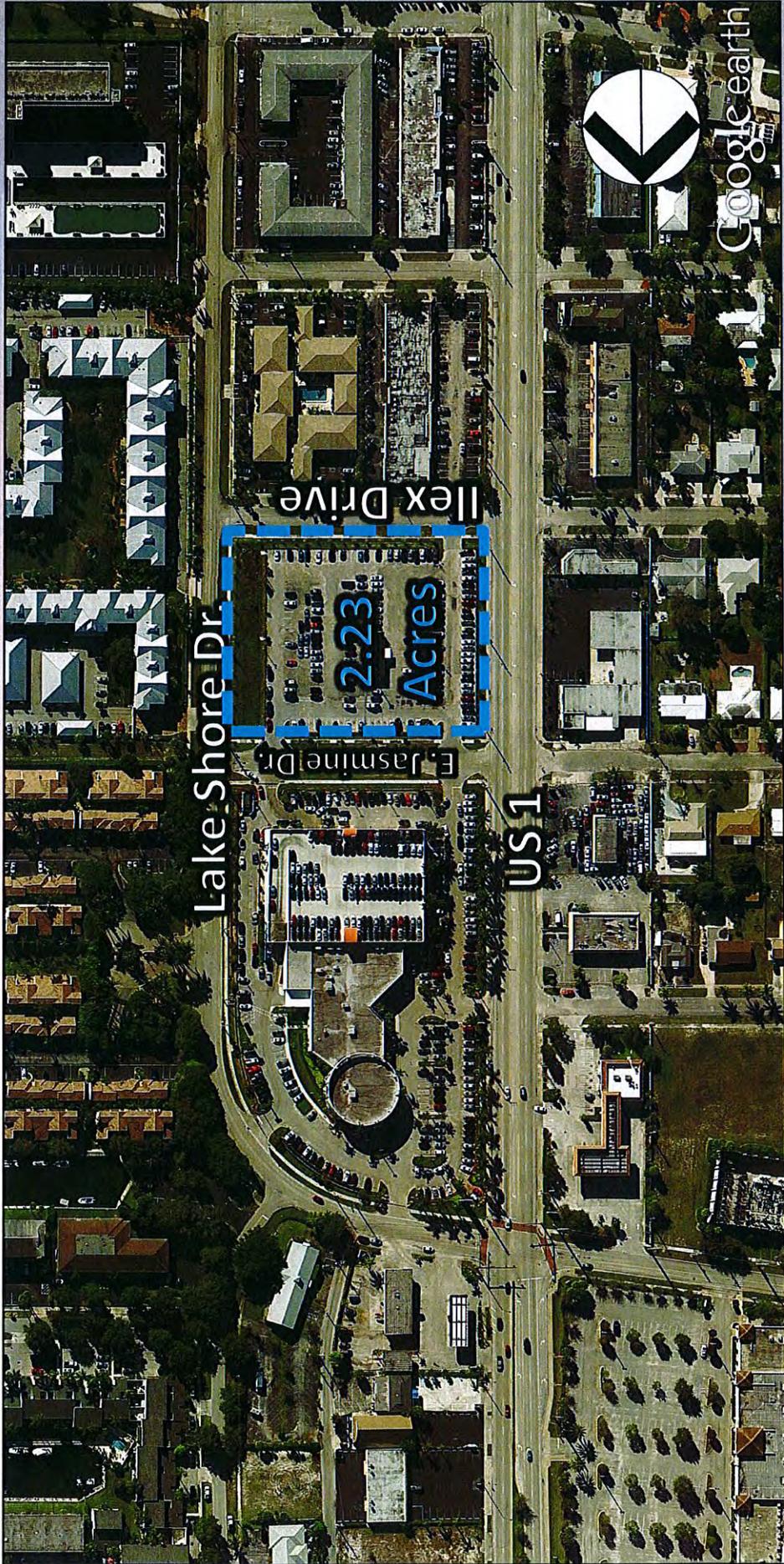
- ▣ January 21, 2015
  - Commission approved extension of temporary use until:
    - ▣ 30 days from issuance of CO for Phase 1
    - ▣ But no later than January 31, 2016

Earl Stewart Toyota 



urban  
design  
kilday  
STUDIOS

# Temporary Use

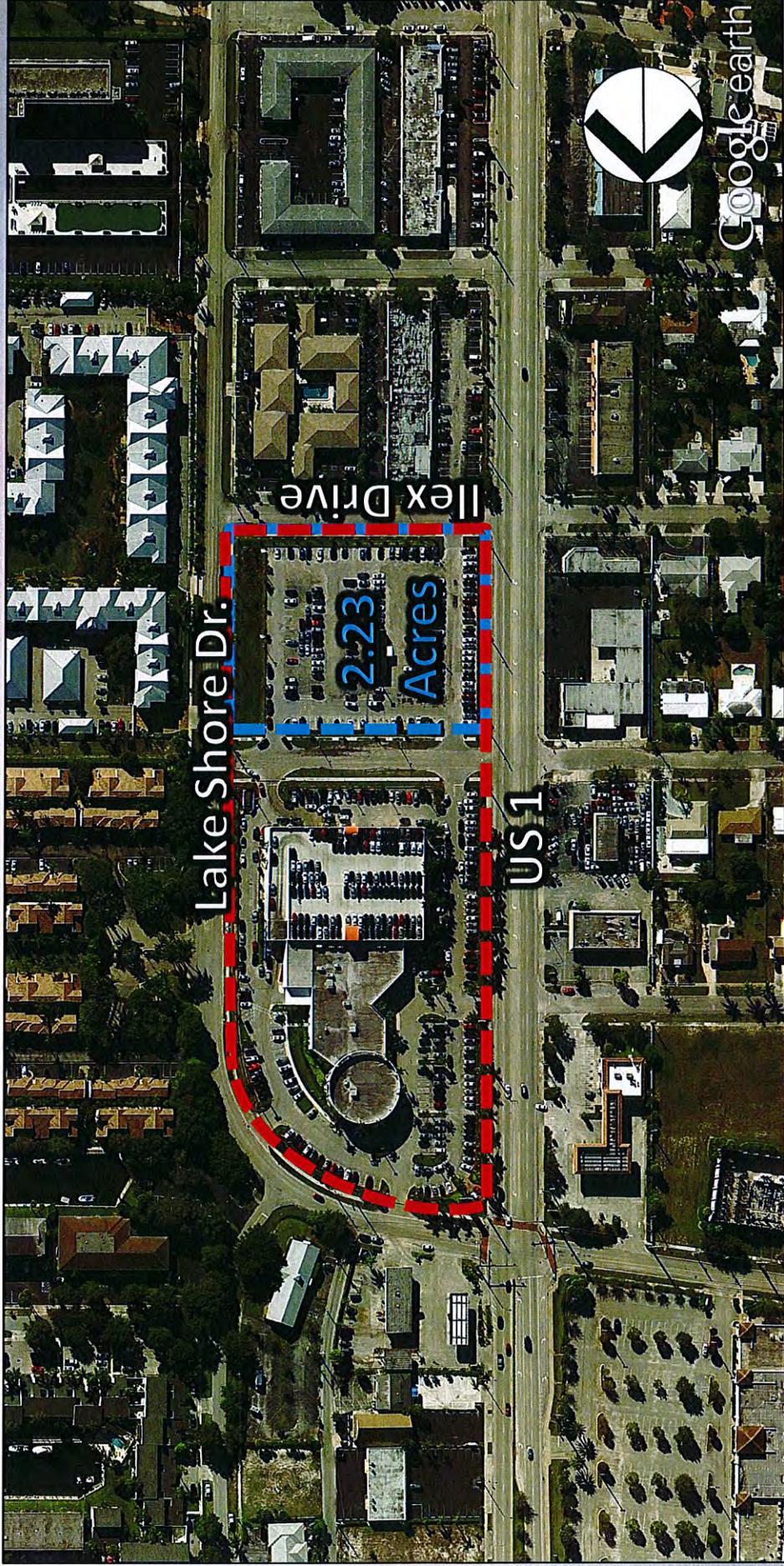


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STUDIOS



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# Land Use Map Amendment

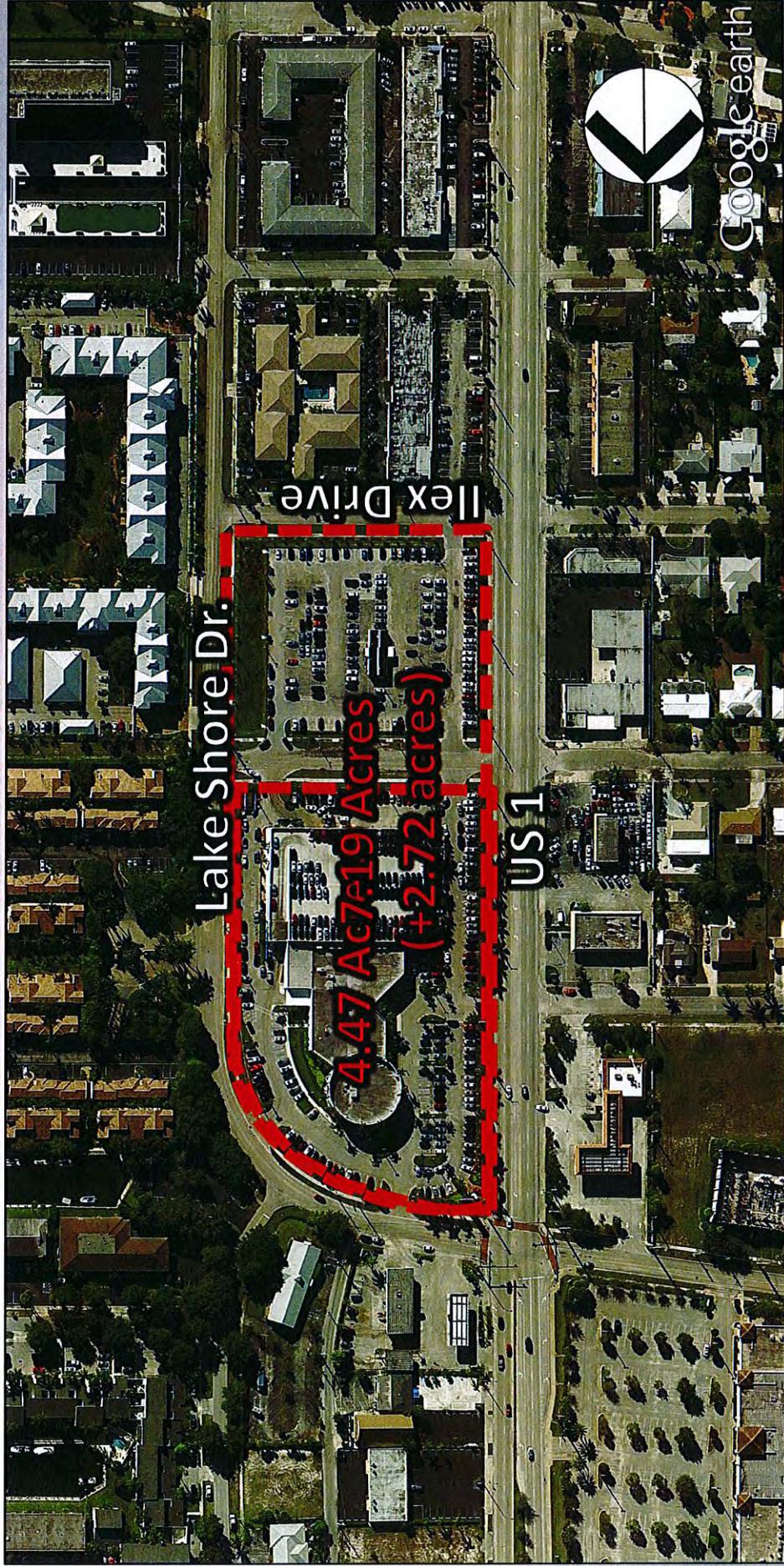


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STUDIOS

# Special Exception & PUD Amendment

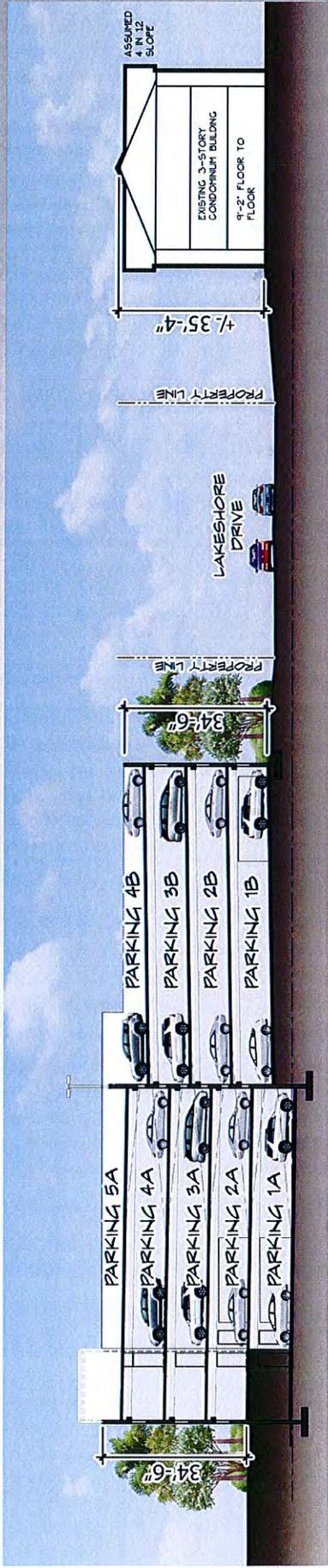


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STUDIOS

# Garage Lighting

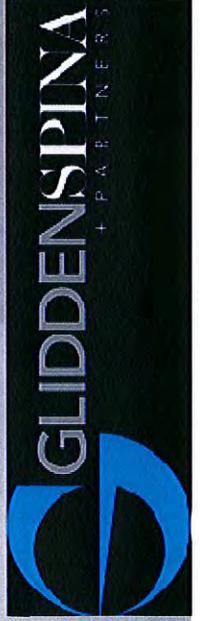


Poles relocated to center of garage and heights reduced to 10'



LOOKING WEST  
 3 EAST ELEVATION OF PARKING GARAGE  
 SCALE 1/8" = 1'-0"

Earl Stewart Toyota 



# History of Application

- ▣ **March 13, 2014:** Original Submittal
- ▣ **March 26, 2014:** Submittal of Abandonment Doc's
- ▣ **March 28, 2014:** Submittal of Irrigation Plans
- ▣ **March 31, 2014:** Submittal of revised Drainage Calculations
- ▣ **April 29, 2014:** Submittal of revised Traffic Analysis
- ▣ **June 3, 2014:** 1<sup>st</sup> Round of Staff Comments Issued
- ▣ **August 8, 2014:** Submittal of revised Traffic Analysis

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STUDIOS

# History of Application (cont'd)

- ▣ **October 29, 2014: Re-Submittal to Address 1<sup>st</sup> Round of Staff Comments**
  - Reduced height of proposed sign from 15' to 10'
  - Elevations revised to incorporate design treatments
- ▣ **January 7, 2015: Re-Submittal to Address 2<sup>nd</sup> Round of Staff Comments**
  - Elevations/plans revised to enhance design treatments and address Town's Architectural Guidelines
  - Address Seacoast Utility Authority comments

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STUDIOS

# History of Application(cont'd)

- ▣ **February 2, 2015:** 1<sup>st</sup> P & Z Board hearing
  - **Postponement of vote to address comments**
- ▣ **February 9, 2015:** Re-Submittal to Address P & Z Board comments
- ▣ **February 14, 2015:** 3<sup>rd</sup> Round of Staff Comment Issued
- ▣ **February 18, 2015:** Re-Submittal to Address 3<sup>rd</sup> Round of Staff Comments
  - **Height of garage was reduced by 10' and overall parking was reduced by 64 spaces**
  - **Additional rooftop trellis structures were added (cont'd)**

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STUDIOS

# History of Application(cont'd)

- ▣ **February 18, 2015:** Re-Submittal to Address 3<sup>rd</sup> Round of staff & P&Z Comments (cont'd)
  - Addition of two bench seating areas
  - Clarified parking demand, operating hours and traffic trips
  - Provided truck turning plan and shade study
  - Expanded on “public benefit” reasoning for abandonment
  - Addressed concerns raised in resident letter
- ▣ **March 2, 2015:** 2<sup>nd</sup> P & Z Board hearing
- ▣ **March 11, 2015:** Re-Submittal to Address P & Z Board comments
  - Added aluminum banding to new curved portion
  - Affirmed compliance with adopted sound levels (cont'd)

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STUDIOS

# History of Application (cont'd)

- ▣ **March 11, 2015:** Re-Submittal to Address P & Z Board comments
  - Committed to another community meeting
  - Provided locations of signage for trucks
  - Clarified position on bus shelter design
- ▣ **March 28, 2015:** Community Meeting
- ▣ **April 1, 2015:** Town Commission hearing
  - Agreed to postponement for LPA Hearing

Earl Stewart Toyota 



# History of Application(cont'd)

- ▣ **April 24, 2015:** Re-Submittal for Town Commission hearing
  - Increased density/height of landscaping
  - Added green wall on building and modified plantings
  - Amended elevations to provide residential scale articulation
  - Wing wall added to car wash
- ▣ **May 4, 2015:** LPA Hearing
- ▣ **May 11, 2015:** Re-Submittal for Town Commission hearing
  - Amended elevations to increase articulation of the building façade
  - Modified length of canopies
  - Provided building projections
  - Curved barrel roofs were added at the corner tower elements

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STUDIOS

# History of Application(cont'd)

- ▣ **May 29, 2015:** Re-Submittal for Town Commission hearing
  - Modified elevations to relocate parking garage lights and reduce height to 10'
  - Modified Narrative to include Waivers, taxable value estimates, phasing schedule, sales projections
- ▣ **June 17, 2015:** Town Commission hearing
  - Resubmittal July 16, 22, 23, 28, August 3, 4, 5, 6, 7, 10 amended elevations, stipulation agreement and narrative

Earl Stewart Toyota 



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STUDIOS

# Projected Sales/Storage Demand

- ▣ Current Annual Sales Volume
  - 3,190 vehicles
- Projected Sales Volume Increase:
  - 18% by 2019 to 3,737 vehicles
  - Additional 15% by 2020 to 4,297 vehicles
- Parking Space Standards Established by SET:
  - 2020 minimum required 1,256
  - Additional spaces in garage will allow 1,267 spaces

Earl Stewart Toyota 





Exhibit "D"

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: August 19, 2015

Agenda Item No.

**Agenda Title:** A REQUEST FROM COMMERCIAL INVESTMENTS, LLC TO MODIFY CONDITION #4 OF EXHIBIT "A" OF RESOLUTION 03-01-15 RELATED TO THE TEMPORARY USES OF THEIR PROPERTY WHICH INCLUDES THE TEMPORARY STORAGE OF VEHICLES AND AN OFFICE TRAILER.

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- PUBLIC HEARING ORDINANCE ON \_\_\_ READING
- NEW BUSINESS – RESOLUTION**
- OTHER
- CONSENT AGENDA
- OLD BUSINESS

Approved by Town Manager *[Signature]* Date: 8-11-15

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

<b>Originating Department:</b>  Community Development	Costs: \$ 250 Funding Source: <b>Applicant</b> Acct. # <b>001-342.510</b> <input type="checkbox"/> Finance _____	<b>Attachments:</b>  → Resolution <u>21-08-15</u> , revised Exhibit "A" → Applicant Request Letter
<b>Advertised:</b> Date: <b>N/A</b> Paper: <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone <u>ND</u> OR Not applicable in this case ____  <b>Please initial one.</b>

**Summary Explanation/Background:**

Earl Stewart Toyota (aka Commercial Investments LLC) is requesting an additional four (4) months (until May 31, 2016) for securing site plan approval to allow for vehicular storage within the planned unit development and remove the temporary sales office trailer.

Earl Stewart Toyota acquired the property upon which the Journey's Inn and the El Colonial restaurant were located in August 2004. Over the years, the abandoned Journey's Inn and El Colonial restaurant became a huge eyesore to the community. In May 2010, Commercial Investments LLC, doing business as Earl Stewart Toyota (the Applicant) requested permission from the Town Commission to demolish the Journey's Inn and El Colonial restaurant buildings on the property to use it for the temporary storage of vehicles. Pursuant to Resolution 20-05-10, the Town

Commission approved a permit which authorized the Applicant to demolish the Journey's Inn and the El Colonial restaurant buildings thereby granting the Applicant a temporary use of the property for temporary vehicular storage until the Applicant began construction of its new buildings and facilities consistent with a site plan that was to be approved by the Town Commission. Resolution 20-05-10 also provided that following demolition, the Applicant was required to fill the subject property with crushed asphalt and was required to grade it. Resolution 20-05-10 contained a condition that required the subject property to be fully landscaped in accordance with the approved site plan if the timeline for the site plan approval and construction of the expanded dealership was not met. This timeline was set for a two-year period ending April 30, 2012, at which time the Applicant would have had to either apply for a new temporary permit or would have to be in the process of moving forward with the expansion of the dealership. In addition, the temporary permit was approved with the condition that the lot would have a minimum of 18 trees around the perimeter and that construction of the new facility would commence by May 5, 2012, or the subject site would be required to be fully landscaped per the Town of Lake Park landscaping regulations. The Applicant satisfied the landscaping provision and installed 18 trees around the perimeter of the subject property.

The Applicant addressed the Commission once again at the October 19, 2011 Town Commission meeting and requested that the Town Commission grant it temporary approval for an office trailer. The Commission directed staff to bring forward an amendment to Resolution 20-05-10 which would allow for the temporary office trailer pursuant to certain conditions. The temporary office trailer was approved unanimously at the November 2, 2011 Town Commission meeting under Resolution 40-11-11. The office trailer is currently installed on the property and had an initial expiration date of April 30, 2012.

Earl Stewart Toyota addressed the Town Commission once again in June 2012 requesting their first extension of the permit for the use of the lot as a vehicular storage lot and the temporary office trailer for used car sales to October 1, 2013, with the development plans for the site being submitted by December 31, 2012, instead of the previous set date of April 30, 2012. Additionally, rather than to fully landscape the site pursuant to the previous condition on Resolution 20-05-10, Earl Stewart Toyota proposed to landscape the perimeter with additional shade trees and a Cocoplum hedge along certain perimeter landscape buffers namely, North Federal Highway, Lakeshore Drive, and half of East Ilex Drive. The first extension, along with the landscaping request, was approved by Resolution 09-06-12.

The Applicant later addressed the Town Commission on October 16, 2013 requesting a second extension for the vehicular storage lot and office trailer in order to allow for sufficient time to move through the site plan approval process. The Town Commission approved the second extension with a required \$30,000 cash surety and certain other conditions for which an agreement was also entered into and was included as Exhibit "A" of the effective Resolution 41-10-13.

The Applicant satisfied the original conditions however, later requested a third extension to January 30, 2016. This extension was granted by the Town Commission pursuant to Resolution 03-01-15. At that time this extension was requested, the (then) current expiration date of the temporary vehicular storage lot and office trailer was set to end on Friday, January 30, 2015 (30 days from December 31, 2014). The Applicant submitted a site plan package on March 28, 2014 and based on a 1<sup>st</sup> round of comments, later resubmitted revised plans in late October 2014 at which point staff issued a second round of comments in mid-December 2014. Consequently, the Applicant requested additional time to bring the project through site plan approval.

Since then, The Applicant initiated the public hearing process in February 2015, had several meetings since, and is scheduled for the next public hearing before the Town Commission on the same date (August 19, 2015) of this agenda item. Consequently, the Applicant is requesting an extension to May 31, 2016 and that condition #4 of the executed Exhibit "A" be replaced with the following language:

~~4. The Owner shall have 30 days from the issuance of the Certificate of Occupancy for Phase 1, or no later than January 31, 2016, to remove the sales trailer from the Property. The Property will be improved in accordance with the site plan approved by the Town Commission.~~

4. The Owner shall have until May 31, 2016, to remove the sales trailer from the Property. The Property will be improved in accordance with the site plan approved by the Town Commission.

A proposed revised Resolution and Exhibit "A" granting a fourth extension to allow the site plan application and right-of-way abandonment application to run its course and consequently, not immediately taking the \$30,000 cash surety, is attached.

**Recommended Motion:**

**At the discretion of the Town Commission. However, if approved, the appropriate motion would be: "I move to approve Resolution 21-08-15".**



# AGENDA

Lake Park Town Commission  
Town of Lake Park, Florida  
Regular Commission Meeting  
Wednesday, August 19, 2015,  
Immediately Following the  
CRA Board Meeting,  
Lake Park Town Hall  
535 Park Avenue

<b>James DuBois</b>	—	<b>Mayor</b>
<b>Kimberly Glas-Castro</b>	—	<b>Vice-Mayor</b>
<b>Erin T. Flaherty</b>	—	<b>Commissioner</b>
<b>Michael O'Rourke</b>	—	<b>Commissioner</b>
<b>Kathleen Rapoza</b>	—	<b>Commissioner</b>
.....		
<b>John O. D'Agostino</b>	—	<b>Town Manager</b>
<b>Thomas J. Baird, Esq.</b>	—	<b>Town Attorney</b>
<b>Vivian Mendez, CMC</b>	—	<b>Town Clerk</b>

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

A. **CALL TO ORDER/ROLL CALL**

B. **PLEDGE OF ALLEGIANCE**

C. **SPECIAL PRESENTATIONS/REPORTS**

None

D. **PUBLIC COMMENT:**

This time is provided for addressing items that do not appear on the Agenda. Please complete a comment card and provide it to the Town Clerk so speakers may be announced. Please remember comments are limited to a TOTAL of three minutes.

E. **CONSENT AGENDA:** All matters listed under this item are considered routine and action will be taken by one motion. There will be no separate discussion of these items unless a Commissioner or person so requests, in which event the item

will be removed from the general order of business and considered in its normal sequence on the Agenda. Any person wishing to speak on an Agenda item is asked to complete a public comment card located on either side of the Chambers and given to the Town Clerk. Cards must be submitted before the item is discussed.

1. Regular Commission Meeting minutes of August 5, 2015 Tab 1
2. Hunger Action Month Proclamation Tab 2
3. Authorizing the Mayor to sign a letter of support to Palm Beach County for the Allocation of \$100,000 for a Law Enforcement Grant Tab 3

**F. PUBLIC HEARING(S) - ORDINANCE ON FIRST READING:**  
None

**G. PUBLIC HEARING(S) – ORDINANCE ON SECOND READING:**

4. Ordinance No. 02-2015 to Abandon a 0.49-Acre Portion of the East Jasmine Drive Right-of-Way Tab 4

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

5. Ordinance No. 06-2015 the Assignment of a Residential/Commercial Future Land Use Designation to the 0.49-Acre Portion of E. Jasmine Drive, located between Federal Highway and Lake Shore Drive. Tab 5

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, ASSIGNING A FUTURE LAND USE DESIGNATION OF "RESIDENTIAL/COMMERCIAL" TO THAT 0.49 ACRE PORTION OF THE EAST JASMINE DRIVE RIGHT OF WAY, LOCATED EAST OF FEDERAL HIGHWAY AND TERMINATING AT LAKESHORE DRIVE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

6. Ordinance No. 03-2015 to Rezone 1017 Federal Highway from Commercial-1 (C-1), to Planned Unit Development (PUD) and to Assign a PUD Zoning District Designation with an Underlying C-1 Zoning District Designation to a 0.49-Acre Portion of the East Jasmine Drive Right-of-Way. Tab 6

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE**

PARK, FLORIDA, ASSIGNING THE PLANNED UNIT DEVELOPMENT ZONING DISTRICT WITH AN UNDERLYING COMMERCIAL-1 ZONING DISTRICT TO THAT 0.49 ACRE PORTION OF THE EAST JASMINE DRIVE RIGHT OF WAY, LOCATED EAST OF FEDERAL HIGHWAY AND TERMINATING AT LAKESHORE DRIVE; PROVIDING FOR THE ASSIGNMENT OF THE PLANNED UNIT DEVELOPMENT ZONING DISTRICT TO THE PROPERTY AT 1017 FEDERAL HIGHWAY; PROVIDING FOR THE AMENDMENT OF SECTION 78-32 OF THE TOWN CODE TO REFLECT THE REZONING OF THESE TWO PROPERTIES ON THE TOWN'S OFFICIAL ZONING MAP; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**H. PUBLIC HEARING(S) – QUASI-JUDICIAL HEARING:**

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

**Tab 7**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING RESOLUTION 14-05-03 THE SITE PLAN FOR THE EARL STEWART TOYOTA PLANNED UNIT DEVELOPMENT; PROVIDING FOR THE EXPANSION OF THE EXISTING DEALERSHIP; PROVIDING FOR THE SPECIAL EXCEPTION USE APPROVAL OF A VEHICLES SALES ESTABLISHMENT; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**I. NEW BUSINESS:**

**8. Resolution No. 21-08-15 A request from Commercial Investments, LLC to Modify Condition #4 of Exhibit "A" of Resolution 03-01-15 Related to the Temporary use of Their Property which includes the Temporary Storage of Vehicle and an Office Trailer.**

**Tab 8**

**J. TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:**

**K. ADJOURNMENT:**

**Next Scheduled Regular Commission Meeting will be held on Wednesday, September 2, 2015**