



**TOWN OF LAKE PARK
SPECIAL CALL
PLANNING & ZONING BOARD
MEETING MINUTES
SEPTEMBER 14, 2015**

CALL TO ORDER

The Special Call Planning & Zoning Board Meeting was called to order by Chair Judith Thomas at 7:06 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Judith Thomas, Chair	Present
Erich Von Unruh, Vice-Chair	Present
Martin Schneider	Excused
Michele Dubois	Present
Ludie Francois	Excused
Anne Lynch, Alternate	Present

Also in attendance were Thomas J. Baird, Town Attorney; Nadia DiTommaso, Community Development Director and Kimberly Rowley, Recording Secretary.

APPROVAL OF AGENDA

Chair Thomas requested a motion for the approval of the Agenda as submitted. Board Member Dubois made the motion, and it was seconded by Vice-Chair Von Unruh. The vote was as follows:

	Aye	Nay
Judith Thomas	X	
Erich Von Unruh	X	
Michele Dubois	X	
Anne Lynch	X	

The Motion carried 4-0, and the Agenda was approved as submitted.

APPROVAL OF MINUTES

Chair Thomas requested a motion for the approval of the August 20, 2015, Planning & Zoning Board Meeting Minutes as submitted. Vice-Chair Von Unruh made a motion for the approval, and it was seconded by Board Member Dubois. The vote was as follows:

	Aye	Nay
Judith Thomas	X	
Erich Von Unruh	X	
Michele Dubois	X	
Anne Lynch	X	

The Motion carried 4-0, and the Minutes of the August 20, 2015, Planning & Zoning Board Meeting were approved as submitted.

PUBLIC COMMENTS

Chair Thomas reviewed the Public Comments procedure.

ORDER OF BUSINESS

Chair Thomas outlined the Order of Business.

NEW BUSINESS

- A. AN APPLICATION BY THE PALM BEACH COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT (PBC DERM), APPLICANT AND AGENT OF THE LAKE PARK SCRUB NATURAL AREA LOCATED ON THE NORTH SIDE OF SILVER BEACH ROAD (APPROXIMATELY 0.35 MILES EAST OF CONGRESS AVENUE), TO CONSTRUCT A 5 CAR AND 1 BUS PARKING AREA, A CONCRETE NATURE TRAIL, A WILDLIFE OBSERVATION PLATFORM AND AT-GRADE HIKING TRAILS.**

STAFF PRESENTATION

Nadia DiTommaso, Community Development Director, addressed the P&Z Board and stated this Application is being brought forward by the Palm Beach County Department of Environmental Resources Management (PBC DERM), who acquired the site using Florida Forever matching funds through the Florida Communities Trust (FCT). The site's Zoning and Land Use is Conservation. Ms. DiTommaso stated Palm Beach County representatives are present and will be presenting their proposal upon conclusion of her summary. Ms. DiTommaso showed visuals and pointed out the site and its surrounding areas. She explained the Town entered into an Interlocal Agreement with Palm Beach County in 2003 to manage and maintain the Scrub Area pursuant to the Lake Park Scrub Management Plan, which was finalized in 2004. The Lake Park Scrub Management Plan called for the creation of a parking lot area; a paved ADA nature trail; a hiking

trail and an observation platform. In 2014, PBC DERM received correspondence from the FCT indicating they were in significant non-compliance of their Grant Contract since the intended public use facilities outlined in the future structure and improvement requirements of the 2004 Lake Park Scrub Manage Plan never moved forward, and consequently, PBC DERM submitted an Application for the required public use facilities. Ms. DiTommaso pointed out the various components on the Site Plan and noted a few important items, as follows:

- (1) The original intended parking lot area was on the north side, adjacent to the future Park Avenue Extension Road, however, since the Park Avenue Extension Road is not currently being built and is only in possibly the 5-10 year horizon at this point due to previous alignment issues, the parking lot is being proposed adjacent to Silver Beach Road. PBC DERM has coordinated their alignment with PBC Roadway Construction since Silver Beach Road is slated to be improved within the next 18-24 months. Ms. DiTommaso stated it is her understanding through conversations and correspondence received by the County that Dale Sugerman, the previous Town Manager, explained this parking lot location change to the Town Commission when it came up for discussion a couple of years ago, and the Commission understood the challenges with the Park Avenue Extension Road. However, Staff is recommending *Condition of Approval #1, which aims to ensure that a Park Avenue extension-side parking lot is incorporated upon the Extension Road being built on the northern part of the site.*
- (2) The Town has three responsibilities under the Management Plan and the Interlocal Agreement, as follows: (1) To empty the trash receptacles, however, the County is not proposing trash receptacles at this time; (2) To maintain the perimeter of the Scrub Area, however, the County has indicated through conversations that they are looking into working with their own contractor who is familiar with and has the adequate machinery to maintain the shrubs/plantings within the perimeter; (3) To open and close the entry gate (the area will be opened from sunrise to sunset, except for events by Special Permit). Ms. DiTommaso stated that upon discussing the Application with the Town's Public Works Department, *Condition of Approval #3 has been added, requesting that the gate is automated with a timer to eliminate the need for manual opening and closing.*
- (3) PBC DERM will be providing security to the site through the Palm Beach County Sheriff's Office Wild Lands Unit, with whom they are contracted.
- (4) The City of Riviera Beach reviewed the proposal and issued a Letter of Support.
- (5) The Town's consulting Engineer reviewed the proposal and requested that *Condition of Approval #5 be added requiring a pre-construction meeting to review the Maintenance of Traffic Plan; and various County permits.*
- (6) The parking area will meet the Town's dimensional requirements through permitting; and the proposed entry sign is exempt from the Town signage permit requirements, but keeps within the standard size used for other natural areas.

(7) No lighting is proposed for the Site since it is only open from sunrise to sunset.

STAFF RECOMMENDATION

Ms. DiTommaso stated Staff has shared its recommendations with the County and is recommending approval, with Conditions #1 – #5, as outlined within the Staff Report.

APPLICANT PRESENTATION

Daniel Bates, Deputy Director of Palm Beach County Department of Environment Resources Management (DERM), addressed the Board. Mr. Bates stated it is a simple access parking lot being proposed, as they try to keep the footprint of the parking lot as small as possible in order to maintain the natural/native features of the area. The trails are designed to work around the natural features of the area but also provide ADA access and a significant amount of access to the trails that go through the scrub area. Mr. Bates stated the Lake Park Scrub Area is one of their smaller sites and PBC DERM feels the size of the parking lot is adequate for the area. He stated they are willing to look at further access on the north end if and when the Extension Road gets put in, but at this junction they can provide access off of Silver Beach Road - not only to allow residents access to the site, but to accommodate the FCT. Mr. Bates stated that in recent times as the State is trying to take back public areas and sell them off to developers if they aren't being utilized, PBC DERM would like to ensure that the Conditions of the original Interlocal Agreement are being met to provide public access. Mr. Bates stated PBC DERM recently received the Conditions of Approval from the Town and they are fine with some, but others they have issues with, as follows:

- Automated gates are expensive and not consistent in their quality; people ram them and/or get stuck behind them when they close; and they need to be replaced often which is an expense.
- The parking lot is ADA designed and will have easy access to the ADA trails, however, placing a walkway out to a roadway where there is no sidewalk would be a sidewalk leading to nothing, which is an extra cost they are not prepared for, and they do not want to take up more of the natural area by having to redesign the drainage off of the parking lot or to add another walkway. They will work with Engineering regarding the widening of Silver Beach Road and maybe perhaps find a way to provide ADA access from the roadway to the parking lot at the time of construction for the rebuilding of Silver Beach Road, but they prefer not to have this as a Condition on the Application at this time.
- Mr. Bates questioned Condition #5(d) requiring a DERM permit, since they would essentially be getting a permit from themselves. Ms. DiTommaso stated this Condition was actually put in by the Town Engineer who had consulted with the PBC Engineer pursuant to permit requirements, but she will look into it for clarification.

BOARD DISCUSSION

In response to Vice-Chair Von Unruh, Mr. Bates clarified the added cost and added footprint objection to Condition #4 which requires an ADA parking lot connection to the external entrance on Silver Beach Road. Ms. DiTommaso referred to the language in the second half of the Condition #4 which calls for the coordination of the connection with the PBC Roadway Construction Division handling the Silver Beach Road improvement plans, though the plans are currently in the design phase there is a proposal for the addition of an ADA sidewalk on the northern side of Silver Beach Road to the improvements. Ms. DiTommaso stated that the hope is when the plans do get constructed the ADA parking lot will have a connection to the ADA sidewalk that is put in place by Palm Beach County Roadway Construction Division. Mr. Bates stated this is not a high traffic parking lot and PBC would like to keep the footprint to a minimum. Mr. Bates stated there would be ADA access, but it would not be a separate ADA walkway. Ms. DiTommaso stated the Town's believes the public with ADA needs would be better served by having a separate ADA walkway/entry area. Vice-Chair asked the Town Attorney is there is a law requiring separate ADA walkway access into the Scrub Area. The Town Attorney responded the County is making the Park accessible through the parking lot, where most handicapped people would presumably arrive by vehicle. Mr. Baird stated there is no requirement by the Town or by State Statute which requires separate pedestrian access area to the park, and, from a liability perspective, the mixing of wheelchairs on a pathway with small vehicles, pedestrians, and bicycles could be of concern.

Vice-Chair Von Unruh questioned a north parking lot in the future; who monitors the amount of use in the Scrub Area; if there will be restrooms on site, and what type of gate PBC is recommending in lieu of an electronic gate. Mr. Bates responded there would be no restroom facilities on site, and PBC would like to place a standard steel gate with a lock, which the Town would be responsible for opening and closing, per the Interlocal Agreement. There was discussion about automated gates in Town, and if there has been issues with the maintenance. Vice-Chair Von Unruh asked Staff if PBC is willing to pay for the installation of the gate, would the Town be willing to pay for the maintenance of the gate to which Ms. DiTommaso responded it would need to be discussed internally. Mr. Bates stated that the County would be willing to install the gate should the Town agree to maintain it.

Board Member Lynch commented that she would prefer the Public Works Department be responsible for the opening and closing of the gate, since it is easier to have a manual gate without the worry of the gate getting stuck and also for security reasons. She questioned if a sidewalk would be part of the Silver Beach improvement, to which the Community Development Director responded yes. There was discussion about if side streets off of Silver Beach Road would be directly across from the Scrub Area parking lot, to which the response was no. Board Member Lynch stated her concern regarding the ingress/egress off of Silver Beach Road into the Scrub Area and asked if the County might consider placing a blinker light near the parking lot in order to help prevent accidents. Mr. Bates responded that he will bring it up with the Engineering Department. Board Member Lynch stated that she favors a north entrance into the Scrub Area.

Board Member DuBois asked if Staff could request the County to place a stop sign or speed bumps on Silver Beach near the site. Ms. DiTommaso responded Staff will have discussions with the County regarding the questions and concerns for signalization at the site expressed by the Board and residents.

Chair Thomas stated comments and concerns, as follows:

- Requested clarification of the site acreage and the width of right-of-way along Silver Beach Road. Ms. DiTommaso stated the right-of-way along Silver Beach Road on the Lake Park Scrub Area side has already been dedicated and PBC is not looking to take additional conservation land for the purpose of this Application. The parking lot is proposed in conjunction with the PBC Roadway Improvement Division's alignment which is in place, per the 65% Design Plan. Chair Thomas requested Staff have the actual right-of-way acreage/width along Silver Beach Road for Town Commission.
- Expressed concern with the lay-out of the parking lot which was initially proposed to the north and is now back to the south end of the site. Silver Beach Road has been on the MPO's backburner for the last 25 years and now we are looking to do improvements because the Town and the County are in jeopardy of losing the improvement grant funds because of being in violation of the Interlocal Agreement with FCT.
- Questioned if the placement of the parking lot along the southern boundary of the Scrub Area is a cost effective way of moving forward at this time. Chair Thomas stated she opposes placing the parking lot on the south and feels the parking lot should be constructed along the northern boundary on Joule Road as originally proposed, since Silver Beach Road is a safety hazard. Ms. DiTommaso stated the County chose to put the parking on the south side off of Silver Beach Road over Joules Road since Silver Beach Road is more traveled and visible, until such time as the connection is made to the Park Avenue Extension Road. Ms. DiTommaso pointed out the plans were reviewed by the County Engineer for engineering best practices in terms of the speed limit on Silver Beach Road, the entry point and turning radius, and were no safety issues/concerns were reported.
- Concern that the connection between the proposed driveway on the Lake Park Scrub Area and the future improvement of Silver Beach Road will create a 30' gap, and that there will be no deceleration lane. Mr. Bates stated when the parking lot is put in, it will be pavement to pavement. Ms. DiTommaso stated she can ask the engineer to revisit the plan to get an additional interpretation of the plan in regard to the deceleration lane. Chair Thomas stated she feels strongly that the Town should re-evaluate where the parking lot should go.
- Concern with security and asked who maintains the fencing. Mr. Bates stated that the County maintains the fencing.
- Questioned how do to discourage illegal dumping and the problem of off-road vehicular traffic. Mr. Bates stated the Wild Life Task Force pays for the PBSO to patrol the natural areas, which has been very effective.
- Suggested the allocation an easement for ADA connectivity to ensure that when improvements occur a sidewalk can be placed along Silver Beach Road.
- Questioned the construction timeline and grade elevation. Mr. Bates responded that construction needs to be completed within 6 months in order to meet the demands of the FCT, and stated the access point which is being proposed by the County is the only one feasible until the road extension is put into place due to the elevation change on the north

side, as well as keeping the footprint to a minimum in order to protect the natural resources of the site. Mr. Bates stated the FCT requires the parking area and the hiking trails and observation tower.

Board Member Von Unruh asked Mr. Bates if the Town were to require the parking lot be placed on the north side would the construction be able to be completed within 6 months, to which Mr. Bates responded no, due to there being no access on the north side. Board Member Von Unruh stated it could be accessed through Joule Road, and he is confused as to why the extension road is the hold up to putting in the north parking lot. Mr. Bates responded the originally proposed parking lot is along the Extension Road and it is not currently feasible due to elevation and natural resource issues.

Board Member Lynch stated she doesn't understand the resource issue and the resistance to build the parking lot on the north side on Joule Road and she feels that ingress/egress on Silver Beach Road will be a disaster. Additionally, the location of bus stops on Silver Beach Road is unknown and she is concerned about bus parking at the site and security at the site, which could open the Town up for liability.

Board Member Von Unruh suggested that alternative sites be considered and they should reassess the north parking lot. Mr. Bates responded that there are time constraints with the agreement to construct within 6 months and they would like to move forward with it.

PUBLIC COMMENTS

- Lisa Davis Quine, a Silver Beach Road resident, addressed the P&Z Board and expressed her concerns regarding additional traffic on Silver Beach Road around Avenue "P" in Riviera Beach. Ms. Quine stated that an entrance from Congress Avenue might be a better alternative in order to prevent accidents.
- Town Manager John A'gostino addressed the Board and said Staff has held a series of meetings with PBC Engineers at the 65% Design Phase of the project and informed the Board there will be three (3) lanes on Silver Beach Road, and the existing road will become a back-up lane for Silver Beach Road residents. The Town Manager stated a portion of the conservation land will be taken out in order to accommodate the traffic flow which will alleviate the hazards of backing in and out. Regarding the concerns of the automatic gate being broken, Mr. A'gostino stated the reason is often from pebbles and stones being caught in the track, and that from the Town's perspective, there will not be a problem maintaining the gates on an as-needed basis.
- Betty Davis, a Silver Beach Road resident, addressed the P&Z Board and expressed her concern about the traffic on Silver Beach Road and requested signage indicating a hearing impaired resident on Silver Beach Road.
- Bernice Mosely, a Silver Beach Road resident, addressed the P&Z Board and expressed her concerns regarding traffic and the potential for accidents on Silver Beach Road.

Chair Thomas asked Ms. DiTommaso if Staff could write a letter to the County to assist with the Silver Beach Road resident's request for the placement of signage regarding a hearing impaired/disabled resident. Ms. DiTommaso stated she will relay the concerns to the County. The Town Attorney suggested that because Silver Beach Road is a County Road, that Palm Beach County Commissioner Taylor's Office be contacted so that she can assist with the request for signage on Silver Beach Road.

PLANNING & ZONING BOARD RECOMMENDATIONS

Upon conclusion of the Board discussion, Chair Thomas asked for a motion from the Board. The Town Attorney clarified that Staff's recommendation is to recommend to the Town Commission the approval of the Site Plan Application by the County with the five (5) Conditions proposed by Staff.

MOTION #1:

Vice-Chair Von Unruh made a motion for APPROVAL with the original Conditions proposed by Staff, however eliminating Condition #4 and including language to Condition #3 which explains the electronic gate will be installed and paid for by Palm Beach County and maintained by the Town, as well as the following additional conditions: → Prior to construction of the parking lot on the north side, Staff shall consult with its Engineer to determine/analyze safety measures to the entrance and incorporate those recommendations made by the Town's Engineer in the Site Plan, for which PBC would be responsible for the inclusion of the changes and to fund; → the Site shall have adequate signage and signalization alerting motor vehicles of the upcoming entrance/driveway approach to the Scrub Area along Silver Beach Road.

Chair Thomas asked for a second. There was no second, and therefore the motion died.

MOTION #2:

Upon the failed previous motion, Board Member Lynch made a motion for APPROVAL with the original Conditions proposed by Staff, leaving Conditions #1, #2, and #5 as-is, and modifying Condition #3 to explain that the electronic gate will be installed by Palm Beach County and maintained by the Town; Condition #4 to provide a contingency whereby the issue should be re-examined by the Town's Engineer to determine the necessity of the ADA connection; and additional Conditions #6 and #7 should be added, as follows: Condition #6: Ingress/egress from Silver Beach Road should be evaluated/studied by the Town's Engineer to possibly consider a deceleration lane, and Condition #7: An additional evaluation of possible signage and signalization alerting motorists of the upcoming driveway approach to the Scrub Area should be performed by the Town's Engineer.

The vote was seconded by Vice-Chair Von Unruh, and the vote was as follows:

	Aye	Nay
Judith Thomas		X
Erich Von Unruh	X	
Michele Dubois		X
Anne Lynch	X	

The vote on the Motion was 2-2, and therefore the Motion failed.

MOTION #3:

Chair Thomas passed the gavel to Vice-Chair Von Unruh and made a motion for the DENIAL of the Application, with the recommendation that the Town and Palm Beach County jointly write a letter to FCT requesting an extension to build the parking lot, until which time a reasonable expectation for the construction of the parking lot and associated plan can be submitted.

The motion was seconded by Board Member Dubois and the vote was as follows:

	Aye	Nay
Judith Thomas	X	
Erich Von Unruh	X	
Michele Dubois	X	
Anne Lynch	X	

The Motion carried 4-0 and the Application was DENIED.

COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

Ms. DiTommaso announced that flyers have gone out for the Community Workshop to be held on September 21, 2015 @ 6:00 p.m. in the Commission Chambers, and she encouraged members of the public to attend. The Workshop, which will be a Joint Meeting of the Town Commission and Planning & Zoning Board will be a discussion regarding mixed-use on the Federal Highway Corridor.

ADJOURNMENT

Prior to adjournment, Board Member Von Unruh asked Ms. DiTommaso how long she anticipates it will be before hearing back from the County on this issue. Ms. DiTommaso stated she will have a conversation with the County to see if they want to move this forward to the Town Commission in light of the recommendation of denial.

There being no further business before the Board, the Meeting was adjourned by Chair Thomas at 8:45 p.m.

Respectfully Submitted,



Kimberly B. Rowley
Planning & Zoning Board Recording Secretary

PLANNING & ZONING BOARD APPROVAL:



Judith Thomas, Chair
Town of Lake Park Planning & Zoning Board

DATE: 10/5/2015



TOWN OF LAKE PARK
PUBLIC COMMENT CARD

*Special case
pt 2 mty*

MEETING DATE: 9-14-15

Cards must be submitted before the item is discussed!!
***Three (3) minute limitation on all comments

Name: Betty Davis
Address: 1557 Silver Beach Rd.
If you are interested in receiving Town information through Email, please provide your E-mail address: _____

I would like to make comments on the following Agenda Item:
Lake Park Scrub Area

I would like to make comments on the following Non-Agenda Item(s):
request for signage

Instructions: Please complete this card, including your name and address; once the card has been completed, give it to the Town Clerk. The Mayor will call your name when it is time for you to speak. Comments are limited to three (3) minutes per individual.



TOWN OF LAKE PARK
PUBLIC COMMENT CARD

*Special Call
10:22 AM
9-14-15*

MEETING DATE: 9-14-15

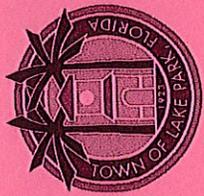
Cards must be submitted before the item is discussed!!
***Three (3) minute limitation on all comments

Name: Bernice Mosley
Address: 1441 Silver Beach Rd
If you are interested in receiving Town information through Email, please provide your E-mail address: _____

I would like to make comments on the following Agenda Item:
Lake Park Scrub Area

I would like to make comments on the following Non-Agenda Item(s):
-talker concern

Instructions: Please complete this card, including your name and address; once the card has been completed, give it to the Town Clerk. The Mayor will call your name when it is time for you to speak. Comments are limited to three (3) minutes per individual.



TOWN OF LAKE PARK
PUBLIC COMMENT CARD

Special Call
P+2 Mtg
MEETING DATE: 09-14-2015

Cards must be submitted before the item is discussed!!
***Three (3) minute limitation on all comments

Name: Lisa Davis Quince Road
Address: 155 Silver Beach Road
If you are interested in receiving Town information through Email, please provide your E-mail address: _____

I would like to make comments on the following Agenda Item:
Lake Park Scrub Natural Area

I would like to make comments on the following Non-Agenda Item(s):
Concern re. traffic

Instructions: Please complete this card, including your name and address; once the card has been completed, give it to the Town Clerk. The Mayor will call your name when it is time for you to speak. Comments are limited to three (3) minutes per individual.