MINUTES
BOARD OF ADJUSTMENTS
MONDAY, OCTOBER 4, 2004
TOWN OF LAKE PARK
535 PARK AVENUE
LAKE PARK, FLORIDA

I. Call to Order. 7:02 p.m. by Vice Chairman Blakely

II. Roll Call

Mike Scheihing, Chairman	Excused
Jeff Balkely, Vice Chairman	Present
William Serrano	Present
Edie McConville	Excused
Eric Jahnke	Absent
James Dubois, 1st Alt	Present
Jeanine Longtin, 2nd Alt.	Excused

Also Present:

Doug Drymon, Town Manager
Tom Baird, Town Attorney
Larry Szynkowski, Community Development Director
Jamie Gentile, Planner with Calvin, Giordano & Associates
Natalie R. Schneider, Senior Planner with Calvin, Giordano & Associates
Linda A. Otto, Recording Secretary
Austin Watts, Kimley-Horn & Associates

III. Approval of Agenda

A motion was made by William Serrano to approve the agenda. Seconded by James Dubois.

	Aye	Nay
Jeff Blakely	X	
William Serrano	X	
James Dubois	X	

Motion carried 3-0

Mr. Eric Jahnke arrived at 7:07 p.m. after approval of Agenda.

IV. Public Comment

Jeff Blakely stated that public comment would be heard later in the meeting as the presentation for the variance and site plan would be presented at the same time. Vice Chairman Blakely asked that all cards be filled out and handed to the Recording Secretary. Also, Vice Chairman introduced the new Community Development Director, Larry Szynkowski.

V. Old Business

None

VI. New Business

Jeff Blakely, Vice Chairman, announced that this was a Quasi-Judicial Public Hearing and asked for any ex parate communication. All members stated there had been none. Recording Secretary asked that all witnesses or persons desiring to speak regarding the matter presently being discussed, please stand and raise your right hand. All witnesses were sworn in by the Recording Secretary.

Mr. Jamie Gentile of Calvin, Giordano & Associates introduced Natalie Schneider, Senior Planner, with Calvin, Giordano & Associates. Ms. Schneider stated that she would present the variance and the background of the site plan application filed by Kimley-Horn and Associates, agent for Walmart Stores East, LP, requesting a variance in parking stall width from 10' feet to 9.5' at the northwest corner of Silver Beach Road and Congress Avenue. Attached hereto and made a part of these minutes is Exhibit "A" which is the powerpoint presentation given by Ms. Schneider. Mr. Blakely stated that they would hear the entire presentation and then adjourn as the Board of Adjustments and then convene the Planning & Zoning Board and vote on the entire matter.

Ms. Schneider gave her powerpoint presentation to the board and also stated that this would include two outparcels; one being a gas station and the other a sit down restaurant. Ms. Schneider stated that the site has proper vehicular access via one two-way drive from Congress Avenue, and two (2) two-way driveways off of Investment Lane. Ms. Schneider also stated that the applicant has proposed one (1) monument sign and thirteen (13) wall-mounted signs, which include directional and identification signs for the tire and lube center bays. Ms. Schneider also stated that the applicant has exceeded on-site code minimums for landscaping, and additional off-site landscaping (Congress Avenue right-of-way). Attached to the minutes and made a part hereof and marked Exhibit "B" is the staff report containing background; land use and zoning; variance; special exception; concurrency; project details such as building site, site access, signage, landscaping/buffering, wetland mitigation, tree preservation, relocation and mitigation, detention planting, periphery landscape, interior landscape, off-site landscape and improvements, tree mitigation, drainage, and parking.

Ms. Schneider stated that staff is recommending approval of the variance from 10 feet to 9.5 feet, which is a waiver of ½ foot and also that the Planning & Zoning Board forward this to the Town Commission for their recommendation and approval of the site plan, subject to conditions, listed in the staff report and also recommend approval of all three special exceptions. It was stated that the applicant was consistent with all of the applicable criteria and that not more than 6 months shall pass from the land clearing permit and when the landscaping is placed. Contained within the staff report are 24 conditions for site plan approval.

Vice Chairman Blakely asked the petitioner to come forward to make their presentation. Ms. Susan Motley representing Kimley-Horn came forward. Ms. Motley stated that Ms. Schneider covered almost everything in her presentation and hoped that the board was happy with what they were proposing for the architecture. She stated that they did not have a problem with staff's comments in terms of the gas station and that the gas station would be coming in separately with their site plan. Ms. Motley stated that she wanted to clarify the fast food restaurant term. They wanted to make sure they had sufficient trips for the traffic calculation if it were to be a fast food restaurant. Ms. Motley also stated that they are finding out that there are a lot of businesses that like to locate near a Walmart, including banks, and smaller offices, but at this time, there is no specific user at this time; however, they will take back to Walmart that the Town would like to see a sit down restaurant. Ms Motley stated that 6 months was not enough time and would appreciate staff revising the landscaping to 11 months from the time a land clearing permit is pulled. Ms. Motley also stated that other projects in the Town had been granted parking variances from 10 feet to 9.5 feet, and would appreciate the Town approving Walmart's request.

Vice Chairman Blakely asked that the representative for Walmart come forward. Mr. Austin Watts identified himself for the record as representing Walmart. Vice Chairman Blakely asked that Austin take them through the drainage. Austin showed a colored aerial map of the site with their site plan superimposed, and pointed to different areas. In one of these areas, he mentioned that the Army Corp of Engineers was working with him to mitigate the site. Vice-Chairman Blakely wanted to know how they were enhancing the wetlands; if they were adding additional species or if elevations were being changed. Vice Chairman Blakely also wanted to know the finish floor elevation of the Walmart. Mr. Watts responded that it was 15.5. Mr. Dubois questioned if some of the material on site was suitable for pad. Mr. Watts responded that he did not know the makeup and they are assuming that it is not suitable.

Mr. Dubois wanted to know about the northwest pond; if it would be possible to soften some of the corner. Mr. Dubois said he was a little concerned that the overall effect of this squarish pond is going to look something like the Walmart Supercenter that is out on State Road 7 in Royal Palm. It is a big box store with a big box pond where there is a chain link fence around it, and it looks terrible. Mr. Dubois stated that the bend in the road does soften the look. Mr. Dubois asked what the possibility was of bringing the wetlands mitigation together with this pond to make one unified wetlands mitigation and

retention area that is visually pleasing along with the window dressing of landscaping. Mr. Watts responded that it was not possible to tie the two together any more than they have already done. Mr. Watts said he understood about softening the corners, and would try to look into it.

Chris Wilson with Kimley-Horn identified herself for the record. Ms. Wilson stated that they work with environmental agencies and that they have chosen plants that will grow suitably in the area. Ms. Wilson stated that they have higher quality of trees near the roadway where they will be seen and make a splash and also be a focal point. Vice Chairman Blakely stated that he had a few questions and felt that this was a huge site, being 37 acres, and that there were 17 planters. Chris Wilson added that there were also palm trees in the planters. Vice Chairman Blakely said that we have learned a lesson in the last three weeks about what kind of trees to plant and that if they are placed in an island, they often do not have the root structure to survive high winds. It was suggested that more Laurel and Live Oaks be used and allow for natural growth. Vice Chairman Blakely said he noticed there were 152 Sabal Palms on the site, and even if there were 1,152 Sabal Palms on the site, it would be a drop in the bucket. He asked that they consider using more of the Sabal Palms, and also to rethink the entry trees. Vice Chairman Blakely wanted to know if they had irrigation plans and the applicant responded with a yes. James Dubois stated that he supported Jeff's idea of more Laurel and Live Oaks trees. Mr. Dubois asked who was going to do the maintenance on the Congress and Silver Beach median right of way. Mr. Gentile stated that the Silver Beach right of way will be a town road and the town would probably have to maintain it. Mr. Dubois stated the landscape barely exceeds the minimum. Jamie Gentile stated that this was a C-2 zoning back in May of last year. Mr. Dubois wanted to know if the trees that were being moved were eligible to be replaced at a 3-1 ratio, or are they going to be replaced tree for a tree. Mr. Gentile stated that this could be made as a condition or recommendation for approval. Mr. Dubois stated that he would like to see more canopy type of trees. Mr. Dubois stated that the larger islands seem to be a great idea and possibly reduce parking and increase the size of the islands.

Mr. William Serrano mentioned that he noticed on the plans that they will be seeded by Bahia grass. Vice-Chairman Blakely stated that he believed that when the ordinance was rewritten Bahia grass was not allowed within the Town limits. Mr. Jahnke said he was in favor of more Sabal Palms than the canopy trees because so many were lost in the storm.

Vice Chairman Blakely stated that he would take public comments. Judith Thomas, Planning & Zoning Administrator, for the City of Riviera Beach identified herself for the record. Ms. Thomas stated she was here for both the variance and the site plan, and the City of Riviera Beach had some concerns for the residential housing development to the south. Ms. Thomas stated that there are approximately 800 units. One of the issues is the lighting along Silver Beach and the Walmart site is a very intense use possibly with floodlights. Also, the other concern is the traffic impact not only on the west side of Congress but also on the east side of Congress where they are planning for additional residential units south of Silver Beach. Ms. Thomas also wanted to know the hours of operation as the Walmart is to be a supercenter and most of the supercenters have very

early or late hours. Ms. Thomas stated also that the intensity was an issue since before it was rezoned to C-2, it was Traditional Neighborhood District, which would have been compatible with the development Riviera Beach had to the south. Ms. Thomas mentioned the oil, lube and tire center, and the two outparcels, one of which is a gas station. Ms. Thomas also questioned the need for the variance; that the parking is reduced to 9 ½ by 16, and that the staff report on page 3 states "the property owner is requesting approval of the variance to reduce the parking stall width in order to meet the Town's Parking Ratio", but feels that it would not render the property unusable or prohibit the applicant from meeting the requirements. Ms. Thomas asked that they would like the applicant to address some type of buffer between the site and the residential area to the south; she suggested a wall. Ms. Thomas also added that they are not saying that the site should be denied, just that consideration should be given to the 800 residential units to the south of the project and the 344 units to be built on the east side of the road in the next year or so. Ms. Thomas asked that there be some type of compatibility with the site plan and the residential use.

Mr. Bill Otterson, past commissioner, came forward and identified himself for the record as a resident of 6th Street. Mr. Otterson asked that Walmart advertise that they are located in Lake Park.

Vice-Chairman Blakely stated that he was opening this to the board for discussion and he had many of the same questions that Ms. Thomas had as far as items on his list to question: traffic report, lighting, hours of operation, and compatibility. Mr. Dubois wanted to know if the property was actually owned by Walmart or is it leased? Mr. Austin Watts stated that it is owned by DC Land Trust but Walmart will be purchasing the property. Mr. Dubois stated he would like to see more pedestrian traffic, like they have done with Target, possibly with brick pavers. The applicant said that they would be amicable to providing benches. Mr. Dubois stated that there was Park Avenue West and there was really no way to walk across that area and there will be 800 units just to the south. Mr. Watts pointed out the places where there are sidewalks, on the south side, which connect to the front of the building and sidewalks to the north side that connect to the existing sidewalks and then back down to the front side. Mr. Dubois wanted to know if there was a traffic light at Silver Beach Road. Mr. Watts stated that they are in the process of permitting a signal with Palm Beach County. Mr. Dubois wanted to know about the outdoor storage and he could not tell if it was going to be allowed or not be allowed. Mr. Gentile from Calvin, Giordano & Associates responded that it would not be allowed or be retained within a screened wall. Mr. Dubois wanted to know about the sidewalk sales. Mr. Gentile responded that only at the garden center would items be allowed outside and during the daytime only. Mr. Dubois also said he would like to see larger islands and maybe less of them if it would help the actual root system.

Mr. Dubois asked that the lighting be described. Mr. Watts said that they have 42 poles which are 1,000 watt lights. He stated that it is shown on the plans and the intensity that is required, and that the nice thing about the 42 poles is that you have to have less of them. Mr. Watts stated that on the south side there is a GV fixture which is a single head light shielded on the back so that it shines forward. Vice Chairman Blakely stated that

the lighting would be contained 100% on the property. Mr. Dubois was for the sit down restaurant versus the fast food. Mr. Watts stated that he has been working with Seacoast Utility and water and sewer were not an issue. Mr. Dubois expressed concern that he is surprised to see this in Lake Park as the town had floated a bond to redo the downtown area and are paying for that through their taxes.

William Serrano stated that he is supportive of the buffering on the southern side of the project and wanted to know if there was a canal and if it belonged to Lake Park or Riviera Beach. The applicant responded that it was in Riviera Beach. Mr. Serrano favored looking into the lighting issues to make sure that we are being courteous to our neighbors to the south as possible. Mr. Watts stated that the site has traffic concurrency which allows 300,000 square feet of commercial use, and that the applicant is working with Palm Beach County to show an analysis that the Walmart, gas station and the outparcels are not going to exceed what already has been approved. Mr. Serrano stated that he would be in favor of leaving the 10 foot wide space; and he stated, "how many more are we gaining by going to the 9 ½"? Mr. Austin Watts did not know the exact number. Mr. Serrano wanted to know about the gas station and the applicant responded that the one outparcel will be a gas station, but it is not a part of the Walmart approval. Murphy Oil will be coming in to submit separately, and the same with the other outparcel. Mr. Serrano stated that with this project, traffic would have an impact and anything else going in after this project might not be approved because Congress would not be able to handle the traffic. Mr. Serrano asked about the 6 months landscape schedule. The applicant responded that they are asking for 11 months as that is a typical construction time line. Mr. Serrano wanted to know if there were some were additional exists. Mr. Watts responded that the exits are being permitted by Palm Beach County.

Mr. Jahnke agreed that there needs to be some type of buffer on the south end, either a wall or a landscape buffer. Mr. Jahnke stated that he would like to see a sit down restaurant but one that did serve breakfast and he did not see why a restaurant serving breakfast would cause a problem.

Vice Chairman Blakely thanked Ms Thomas for her comments and that the TND Ordinance was repealed 3 years ago. Vice Chairman Blakely suggested that the applicant come back with increasing the amount of landscaping. Jeff also added that one of the conditions that he is looking at is that most of the trees meet the minimum size which is 12 feet, and that we have 37.61 acres and the property needs a lot more trees. Jeff also stated as far as parking requirements, that variances are based on hardship, and he felt the applicant created the hardship so he would like to see 10 x 18 parking stalls. The applicant explained that they are asking for a variance in order to meet the required number of parking spaces that are required by the code. Mr. Jahnke stated that he still would like to see the larger parking spaces and give them a variance so they would not have to have the required number of spaces. Mr. Gentile stated that the only store that is built that received a variance for parking was Lowe's Home Improvement and that he did not have any data on any traffic accidents or parking stall accident that may have occurred. Vice Chairman Blakely stated that there would be a lot of traffic reaching this store from a 2 lane road, being Silver Beach Board, and that this is an impact from U.S.

#1 to Congress. Vice-Chairman Blakely asked that the applicant check in to the impact that this may have on Silver Beach Road.

The applicant stated that they preferred to defer the variance.

Eric Jahnke made a motion to defer the vote on the 10 foot width versus the 9 ½ foot width for parking stall until a future time. James Dubois seconded the motion with discussion. James Dubois stated that the variance is shown at 9 ½ foot.

Tom Baird, Town Attorney, suggested that they continue the meeting until Monday, November 1, to the regular Planning & Zoning Board Meeting.

Mr. Jahnke made a motion to amend his motion as previously stated to continue the variance until November 1, 2004. Seconded by James Dubois.

	Aye	Nay
Jeff Blakely	X	
William Serrano	X	
Eric Jahnke	X	
James Dubois	X	

Motion carried 4-0

VII. Adjournment.

A motion was made to adjourn the Board of Adjustments. Motion carried 4-0.

_____
Mike Scheihing, Chairman

Attest:

_____

Approved: _____

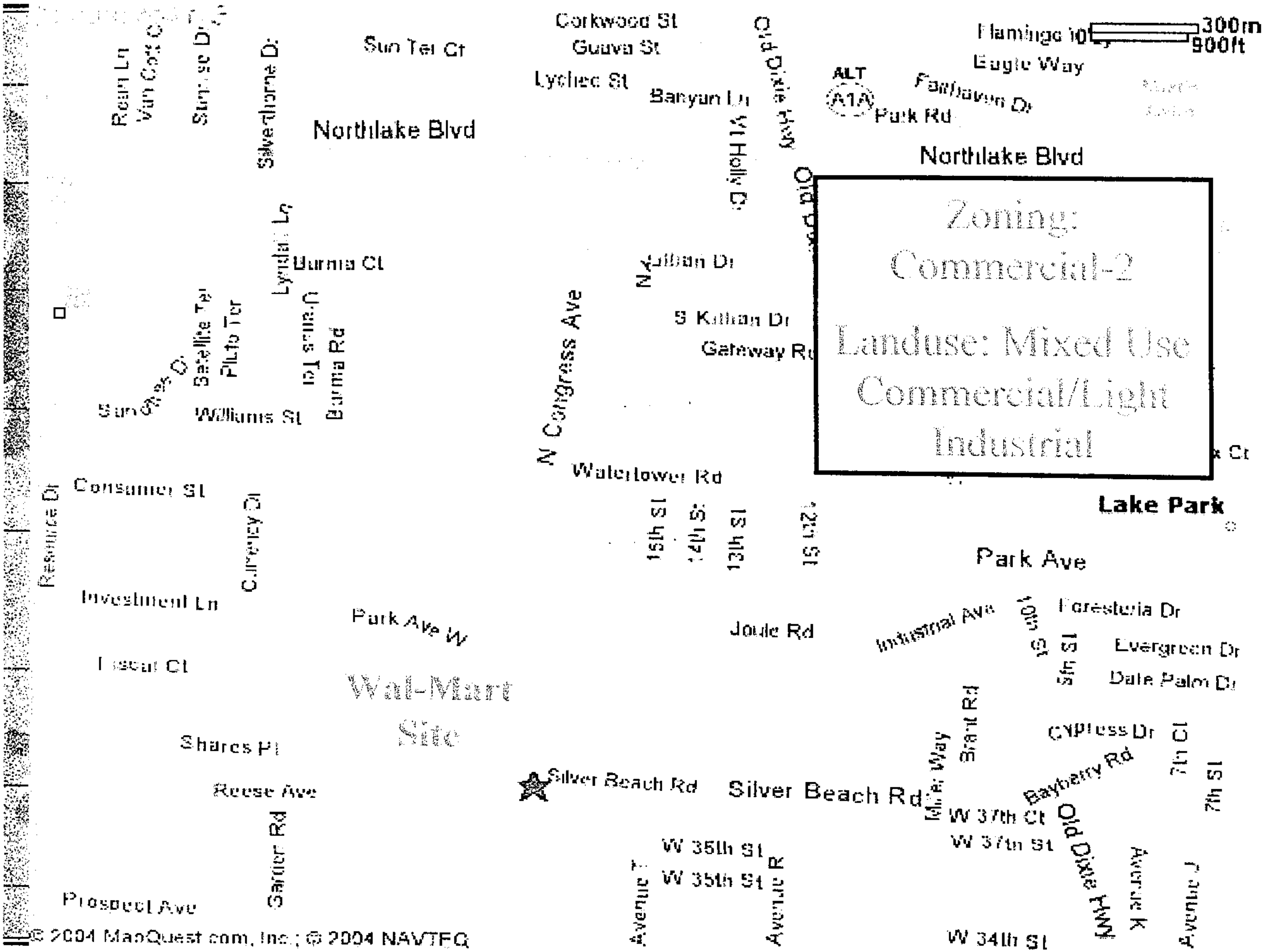
WAL★MART Retail Center

Northwest corner of Silver Beach Road and Congress Avenue

Town of Lake Park
Board of Adjustments
Planning and Zoning Meeting
October 4, 2004

pplicant Request

- Parking Dimension Variance
- Site Plan Approval
- Special Exception Approvals


Zoning: Commercial-2
Landuse: Mixed Use Commercial/Light Industrial
Wal-Mart Site
Lake Park
Northlake Blvd
Park Ave
Silver Beach Rd
Old Dixie Hwy
N Congress Ave
Watertower Rd
Park Ave W
300m
900ft
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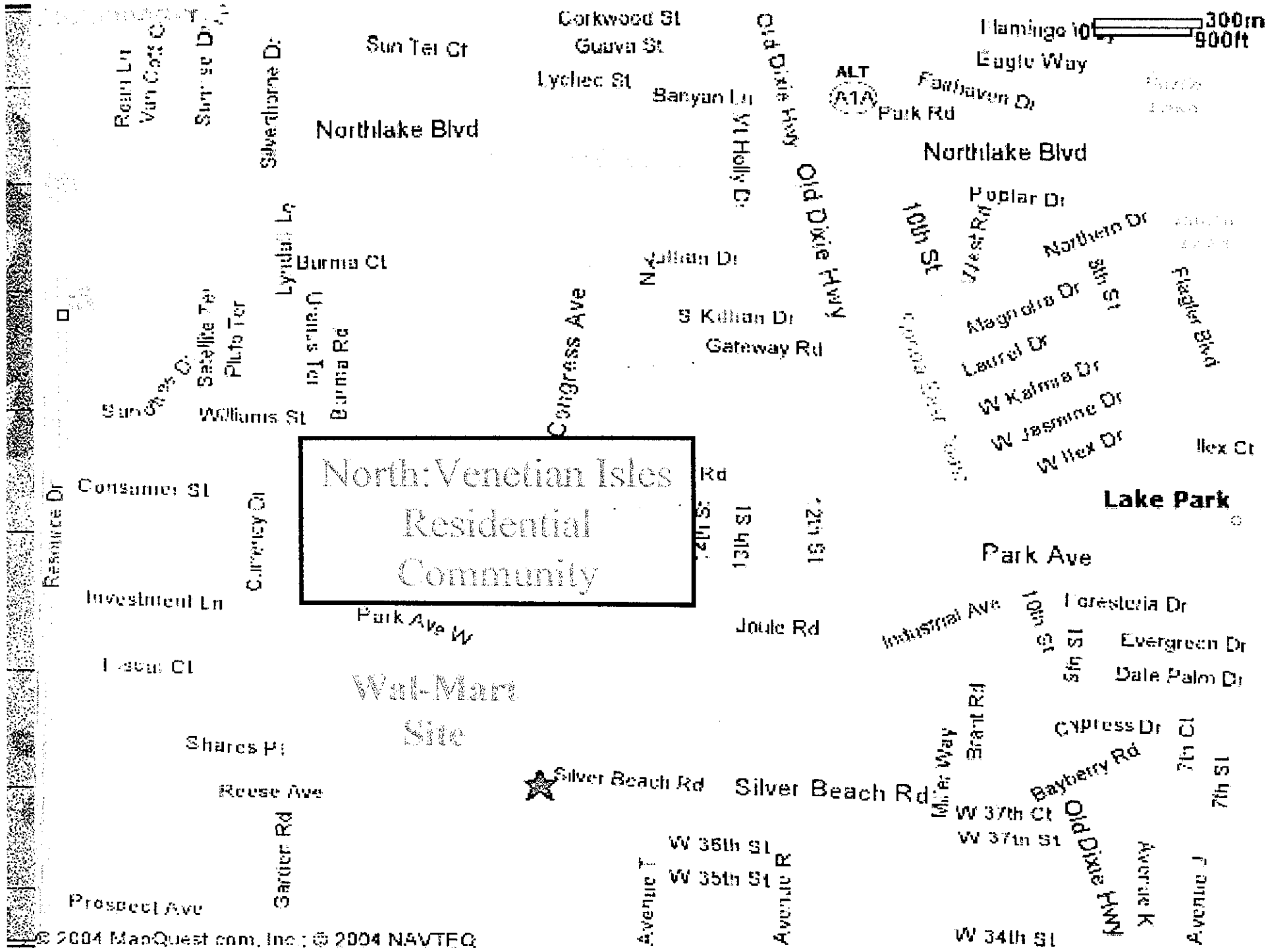
North:Venetian Isles
Residential
Community
Wal-Mart
Site
300m
900ft
Corkwood St
Guava St
Lychee St
Sun Ter Ct
Banyan Ln
Old Dixie Hwy
Flamingo
Eagle Way
ALT
A1A
Park Rd
Fairhaven Dr
Northlake Blvd
Silverthorne Dr
Lyndall Ln
Burma Ct
Burma Rd
Williams St
Congress Ave
S Killian Dr
Gateway Rd
Poplar Dr
10th St
West Rd
Northern Dr
Magnolia Dr
Laurel Dr
W Kalmia Dr
W Jasmine Dr
W Ilex Dr
Flagler Blvd
Ilex Ct
Lake Park
Park Ave
Consumer St
Currency Dr
Resource Dr
Investment Ln
Park Ave W
Joule Rd
Industrial Ave
Forestoria Dr
Evergreen Dr
Date Palm Dr
Cypress Dr
Bayberry Rd
Brant Rd
Miller Way
Shares Pl
Reese Ave
Silver Beach Rd
W 37th Ct
W 37th St
W 36th St
W 35th St
Avenue T
Avenue R
Avenue K
Avenue J
W 34th St
Garden Rd
Prospect Ave
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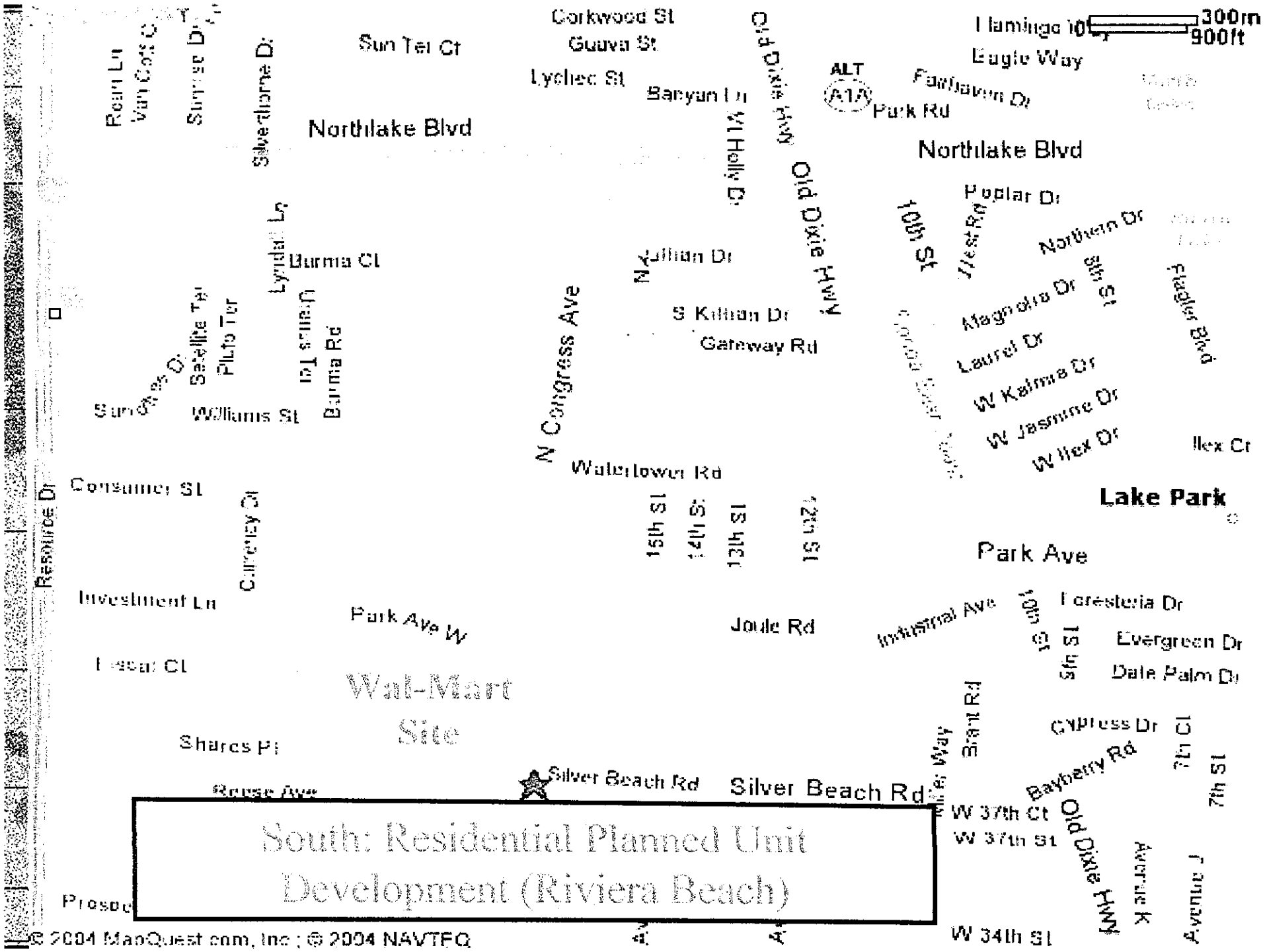

300m
900ft
Corkwood St
Guava St
Lychee St
Sun Ter Ct
Banyan Ln
Old Dixie Hwy
ALT
A1A
Park Rd
Eagle Way
Fairhaven Dr
Northlake Blvd
Silverthorne Dr
Lyndall Ln
Burma Ct
Burma Rd
Williams St
Satellite Ter
Pluto Ter
Poplar Dr
10th St
West Rd
Northern Dr
8th St
Flagler Blvd
Magnolia Dr
Laurel Dr
W Kalmia Dr
W Jasmine Dr
W Ilex Dr
Ilex Ct
Lake Park
N Congress Ave
Gateway Rd
Watertower Rd
Consumer St
Resource Dr
Currency Dr
15th St
14th St
13th St
12th St
Park Ave
Investment Ln
Park Ave W
Joule Rd
Industrial Ave
Foresteria Dr
Evergreen Dr
Date Palm Dr
Wal-Mart
Site
Shares Pl
Silver Beach Rd
Silver Beach Rd
Brant Rd
Cypress Dr
Bayberry Rd
7th Ct
7th St
W 37th Ct
W 37th St
Old Dixie Hwy
Avenue K
Avenue J
W 34th St
South: Residential Planned Unit
Development (Riviera Beach)
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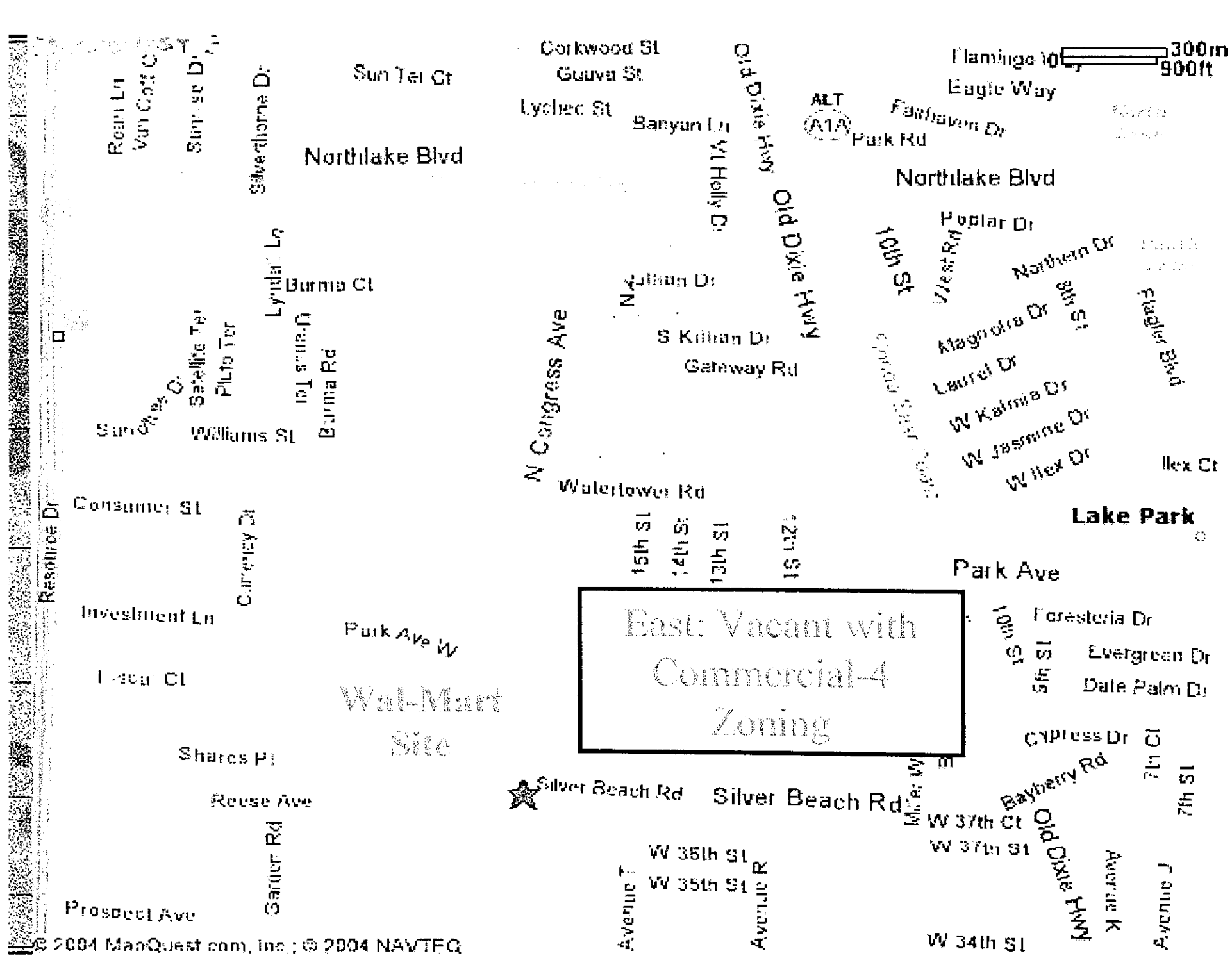
East: Vacant with Commercial-4 Zoning
Wal-Mart Site
Northlake Blvd
Northlake Blvd
Lake Park
Park Ave
Park Ave W
Silver Beach Rd
Silver Beach Rd
Old Dixie Hwy
Old Dixie Hwy
N Congress Ave
Watertower Rd
Gateway Rd
Williams St
Consumer St
Investment Ln
Shares Pl
Reese Ave
Prospect Ave
Garden Rd
Silverthorne Dr
Sun Ter Ct
Corkwood St
Guava St
Lychee St
Banyan Ln
Eagle Way
Fairhaven Dr
Park Rd
Poplar Dr
Northern Dr
Magnolia Dr
Laurel Dr
W Kalmia Dr
W Jasmine Dr
W Ilex Dr
Ilex Ct
Flagler Blvd
Forestoria Dr
Evergreen Dr
Date Palm Dr
Cypress Dr
Bayberry Rd
W 37th Ct
W 37th St
W 35th St
W 35th St
W 34th St
Avenue T
Avenue R
Avenue K
Avenue J
Resource Dr
Currency Dr
Burma Ct
Burma Rd
Lyndall Ln
Satellite Ter
Pluto Ter
Sunshine Dr
Roan Ln
Van Cott Ct
Sunrise Dr
Vt Holly Dr
Killian Dr
S Killian Dr
10th St
West Rd
8th St
5th St
7th Ct
7th St
15th St
14th St
13th St
12th St
ALT
A1A
300m
900ft
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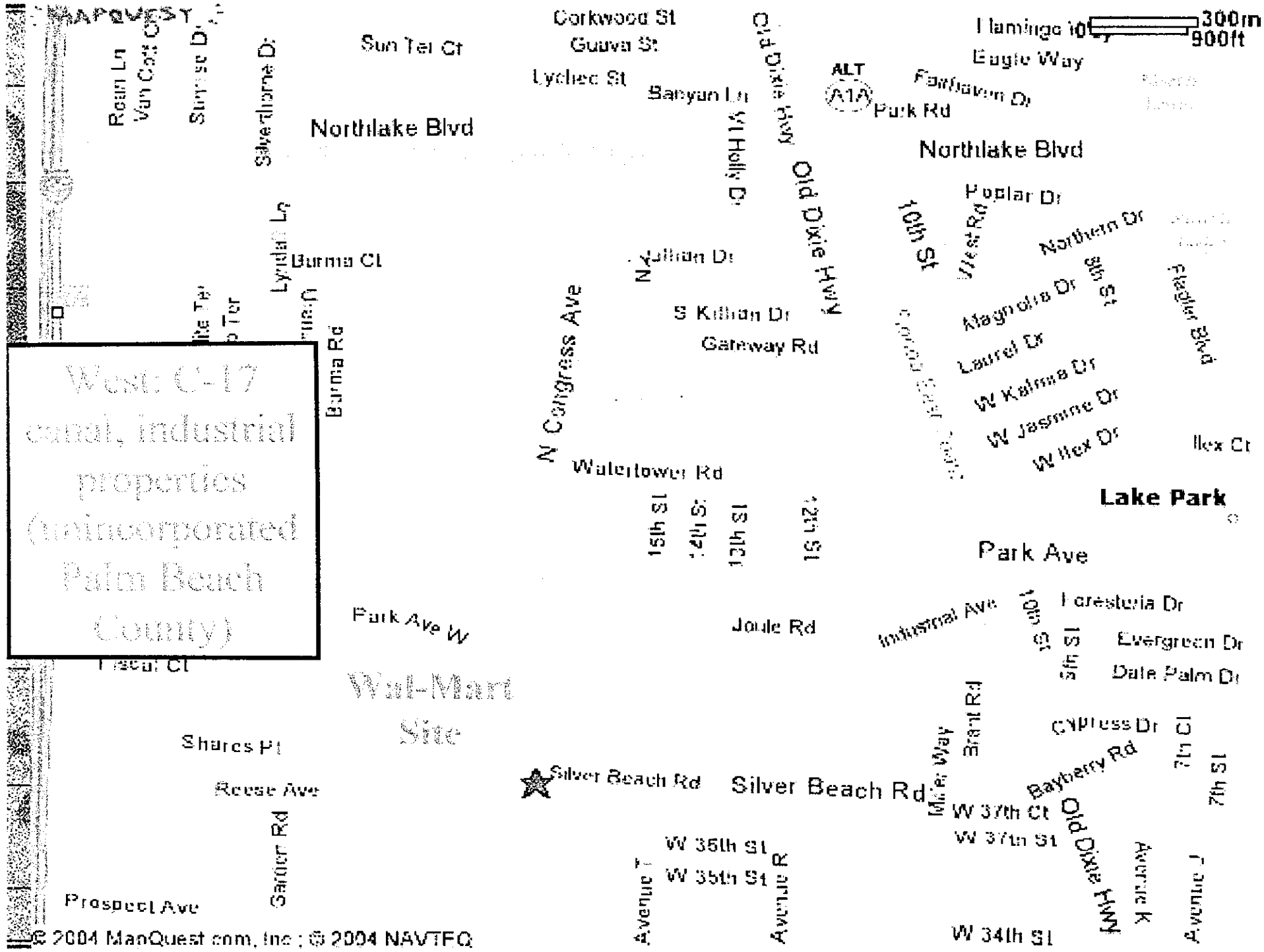
MAPQUEST
300m
900ft
West C-17 canal, industrial properties (unincorporated Palm Beach County)
Wal-Mart Site
Sun Tel Ct
Northlake Blvd
Silverthorne Dr
Burma Ct
Burma Rd
Lyndal Ln
Corkwood St
Guava St
Lychee St
Banyan Ln
Old Dixie Hwy
Holly Dr
N Killian Dr
S Killian Dr
Gateway Rd
N Congress Ave
Waterlower Rd
15th St
14th St
13th St
12th St
Joule Rd
Park Ave W
Park Ave
Silver Beach Rd
Shares Pl
Reese Ave
Garner Rd
Prospect Ave
Flamingo
Eagle Way
Fairhaven Dr
ALT
A1A
Park Rd
Poplar Dr
10th St
West Rd
Northern Dr
9th St
Magnolia Dr
Laurel Dr
W Kalmia Dr
W Jasmine Dr
W Ilex Dr
Flagler Blvd
Ilex Ct
Lake Park
Industrial Ave
10th St
9th St
Forestoria Dr
Evergreen Dr
Date Palm Dr
Cypress Dr
Brant Rd
Miller Way
Bayberry Rd
7th Ct
7th St
W 37th Ct
W 37th St
W 35th St
Avenue T
Avenue R
Avenue K
Avenue J
W 34th St
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Background

- 37.61 acre parcel
- 207,991 square foot retail store
- Situated at the northwest corner of Congress Avenue and Silver Beach Road
- Parcel is currently undeveloped, well-vegetated
- Generally consistent with the Town's Comprehensive Plan and Code of Ordinances

Variance

- Code of Ordinances, Section 32-86(c)(9)
- Reduce parking stall width from 10 feet to 9.5 feet, waiver of .5 foot
- Minimum necessary so applicant may improve perimeter and parking field landscaping, pedestrian accessibility and wetland mitigation.

Special Exceptions

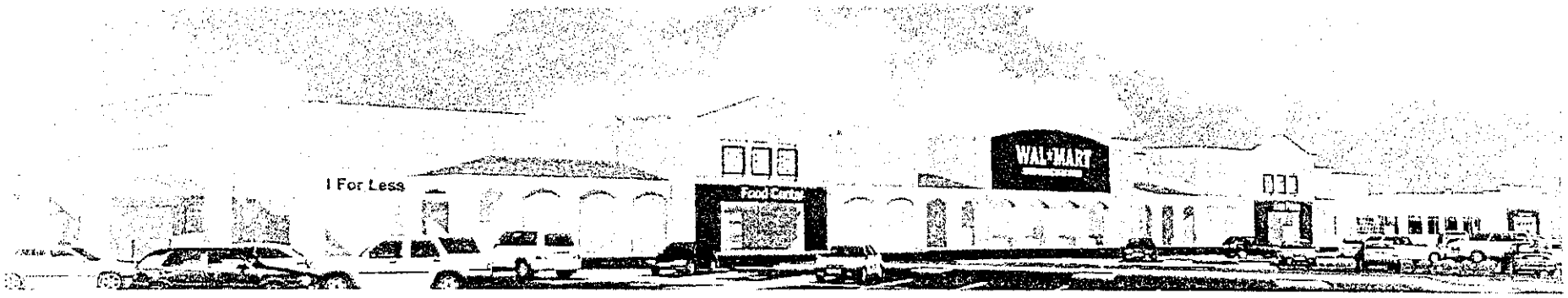
- Garden center/retail outlet – supportive
- Tire and lube center – supportive
- Gas station – supportive with conditions
  - Additional landscaping along periphery of outparcel
  - Ensure architectural compatibility of all onsite structures

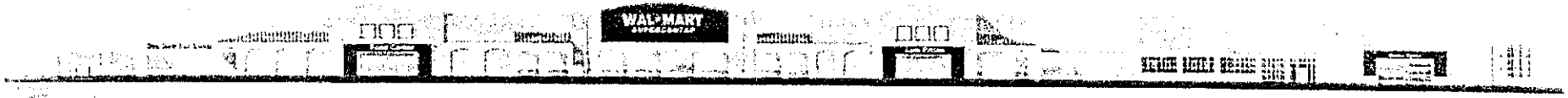
Site Plan

- 37.61 acres
  - ~ 208,000 square foot main retail building
  - Remote drive-thru pharmacy
  - Two outparcels
- Outparcels
  - Gas station – ample buffering
  - Restaurant – consideration of a sit-down, quality restaurant rather than fast food
  - Architectural styles – unity of control covenant

Site Plan

- Site Access – off Investment Lane, Congress Avenue and extension of Silver Beach Road
- Signage – meets signage requirements, 1 monument and 13 wall signs (inclusive of directional signs)
- Landscaping
- Drainage
- Parking – meets parking requirements, providing 1062 stalls (inclusive of ADA requirement)





East

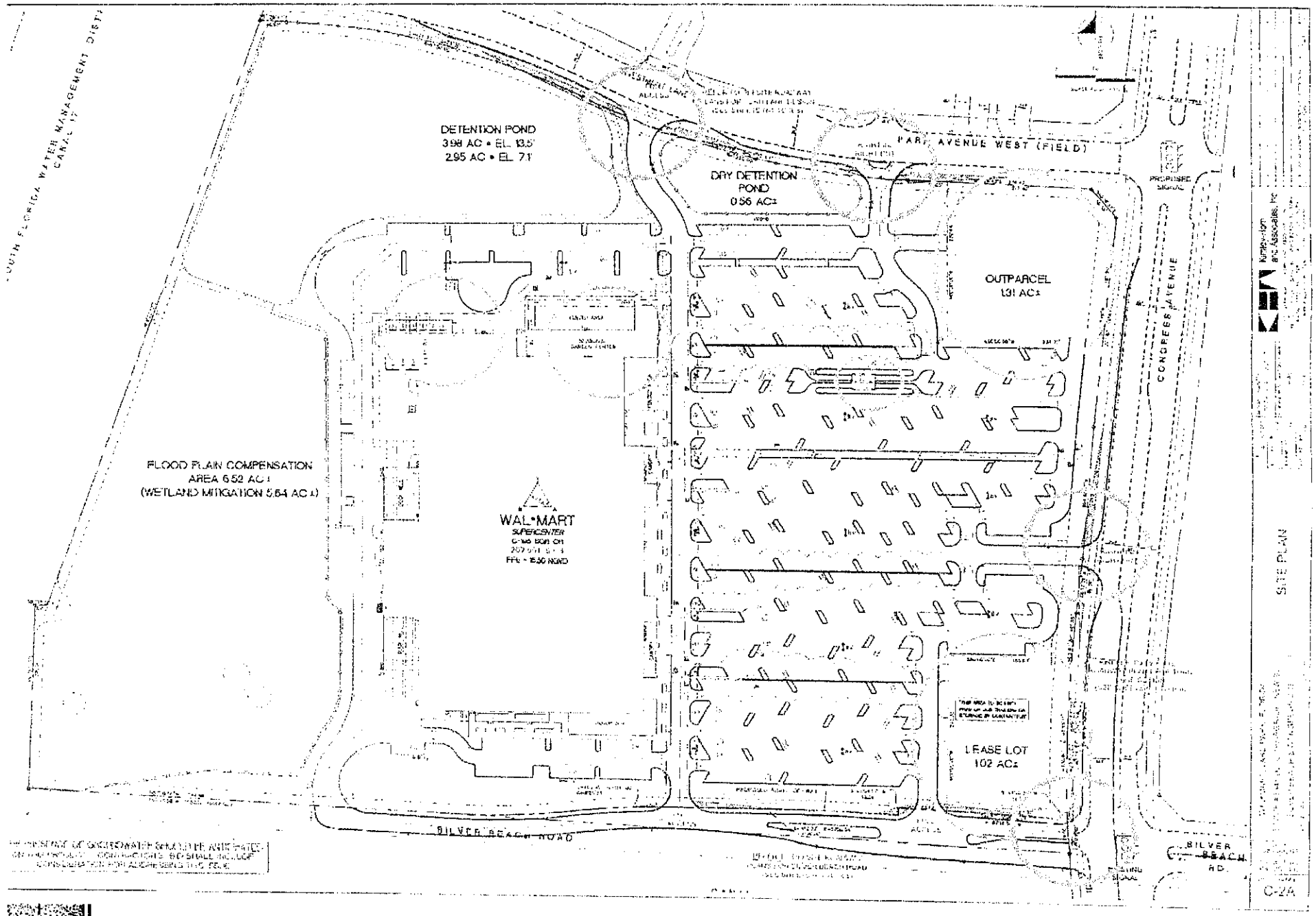
West

North

South

WAL*MART

Town of Lake Park, Florida


SOUTH FLORIDA WATER MANAGEMENT DIST.
CANAL 17
DETENTION POND
3.98 AC • EL. 13.5'
2.95 AC • EL. 7.1'
DRY DETENTION
POND
0.56 AC±
PARK AVENUE WEST (FIELD)
PROPOSED SIGNAL
OUTPARCEL
1.31 AC±
CONGRESS AVENUE
FLOOD PLAIN COMPENSATION
AREA 6.52 AC±
(WETLAND MITIGATION 5.64 AC±)
WAL•MART
SUPERCENTER
LEASE LOT
1.02 AC±
SILVER BEACH ROAD
SILVER BEACH RD.
SITE PLAN
C-2A

Recommendations

Staff is recommending ***approval*** of:

- Variance to reduce parking stall width from 10 feet to 9.5 feet

Staff is recommending Planning and Zoning Board forward to the Town Commission with a recommendation of ***approval***:

- Site Plan, subject to conditions
- Special Exceptions:
  - Garden Center
  - Tire and Lube Center
  - Gas Station, subject to conditions