Town of Lake Park

PLANNING & ZONING BOARD
PUBLIC HEARING
(STAFF PROPOSED WORKSHOP)
MEETING AGENDA
NOVEMBER 7, 2011
7:30 P.M.

Town Hall Commission Chambers
535 Park Avenue
Lake Park, FL 33403

PLEASE TAKE NOTICE AND BE ADVISED: If any interested person desires to appeal any decision of the Planning & Zoning Board with respect to any matter considered at the 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.*

CALL TO ORDER

ROLL CALL

Judith Thomas, Vice-Chair
Robin Maibach
Mason Brown
Anthony Bontrager
Natalie Schneider
Roger Michaud, 1st Alternate
Edie McConville, 2nd Alternate

APPOINTMENT OF CHAIR

Pursuant to Sec. 2-111 of Code of Ordinances of the Town of Lake Park, a Planning & Zoning Board Chair and Vice-Chair shall be elected in January of each year, or at the closest possible meeting. The Planning & Zoning Board currently does not have a Chair.

APPROVAL OF AGENDA

APPROVAL OF MINUTES

Approval of the May 2, 2011, Planning & Zoning Board Meeting Minutes.

NEW BUSINESS – PUBLIC HEARING

A. Rezoning and Site Plan Review for Marina Village PUD for approximately 5,500 square feet of restaurant, an 18-hole mini-golf course and 7,023 square feet of offices.

1. Staff Presentation: Staff is recommending we hold a **Workshop**
2. Applicant Presentation

PUBLIC COMMENTS

Any person wishing to speak on an agenda item is asked to complete a Public Comment Card located in the rear of the Commission Chambers and provide it to the Recording Secretary. Public Comment Cards must be submitted prior to the agenda item being discussed.

COMMENTS FROM THE COMMUNITY DEVELOPMENT DIRECTOR

ADJOURNMENT

PLANNING & ZONING BOARD MEETING
MINUTES
MAY 2, 2011
7:30 P.M.
TOWN OF LAKE PARK

CALL TO ORDER

The Planning & Zoning Board Meeting was called to order at 7:30 p.m. by Town Attorney Thomas Baird.

APPOINTMENT OF CHAIR & VICE-CHAIR

Mr. Baird stated that the first order of business was to elect a Chair and a Vice-Chair.

Mr. Baird opened the floor for nominations for Chair. Board Member Maibach nominated Judith Thomas as Chair, and Judith Thomas nominated Tim Stevens as Chair. Town Attorney Baird asked for a show of hands of those in favor of Judith Thomas for Chair. The vote was 2 for and 3 against. Town Attorney Baird asked for a show of hands of those in favor of Tim Stevens as Chair. The vote was 3 for and 2 against, and Board Member Tim Stevens was elected as Chair.

Mr. Baird opened the floor for nominations for Vice-Chair. Board Member Maibach nominated Judith Thomas for Vice-Chair, and Board Member Bontrager nominated himself for Vice-Chair. The Town Attorney asked for a show of hands of those in favor of Judith Thomas as Vice-Chair. The vote was 4 for and 1 against. The Town Attorney asked for a show of hands of those in favor of Board Member Bontrager as Vice-Chair. The vote was 1 for and 4 against, and Board Member Judith Thomas was elected as Vice-Chair.

APPROVAL OF AGENDA

Newly elected Chair Tim Stevens requested a motion to approve the agenda as submitted. Board Member Bontrager made a motion to approve the Agenda as submitted. The motion was seconded by Board Member Brown, and the vote was as follows:

	Aye	Nay
Tim Stevens	X	
Judith Thomas	X	
Robin Maibach	X	
Anthony Bontrager	X	
Mason Brown	X	

The Motion carried 5-0 and the agenda was unanimously approved.

APPROVAL OF MINUTES

Chairman Stevens requested a motion to approve the minutes of the April 4, 2011, Planning & Zoning Board Meeting as submitted. Board Member Thomas made a motion to approve the minutes and the motion was seconded by Board Member Bontrager. The vote was as follows:

	Aye	Nay
Tim Stevens	X	
Judith Thomas	X	
Robin Maibach	X	
Anthony Bontrager	X	
Mason Brown	X	

The Motion carried 5-0 and the Minutes of the April 4, 2011, Planning & Zoning Board Meeting were unanimously approved.

MOMENT OF SILENCE

Chair Stevens requested that a moment of silence be observed in memory of the late Mayor Desca Dubois, who passed away on Saturday, April 30, 2011.

NEW BUSINESS

A. Continuation of a request by Gentile, Holloway, O'Mahoney & Associates, Inc., as Agent for SC Lake Park Associates, LLLP, for re-zoning approximately 15.991 acres of developed land located on the southwest corner of Northlake Boulevard & Old Dixie Highway from C-1 to a PUD.

Nada DiTommaso, Interim Community Development Director, explained that tonight's P&Z Meeting is a continuation of the April 4, 2011, Planning & Zoning Board Meeting and that the April 4, 2011, P&Z Meeting was continued because of two major concerns:

(1) Lack of visual content in the plans to be able to properly visualize the waivers being requested; and
(2) The possibility of the Applicant providing some additional landscaping to the property as a benefit to the Town, in order to minimize the waivers being requested.

Ms. Di Tommaso provided the Board Members with a Staff Report and explained that Staff is in receipt of a "Waiver Location Plan" from Gentile, Holloway & O'Mahoney, which provides for a better visualization of the waivers that are being requested by the Applicant. She stated that upon review of the "Waiver Location Plan" that Staff remains of the opinion that rezoning to a PUD would provide the Applicant with greater flexibility if the property develops in whole, or in part, in the future. She also explained that the waivers being requested are to both the Town of Lake Park Code and the Northlake Boulevard Overlay Zone (NBOZ) including: (a) number of parking spaces required for the shopping center; (b)

the provision of a minimum number of shade trees and their spacing within the parking areas; (c) the number of required shade trees and the provision of landscaped islands within the shopping center's parking lot; (d) buffer trees along the shopping center's perimeter and the width of that buffer; and (e) a landscaped buffer for the shopping center's trash collection site. The absence of the required perimeter landscaping and landscaping and tree islands in the parking areas of the shopping center contribute to its current appearance as a vast sea of asphalt and that Staff feels that the request for some additional landscaping at the site is valid. She explained that the rezoning of the K-Mart Plaza to a PUD would eliminate any nonconformities onsite, thereby allowing the property to expand, subdivide and/or redevelop in the future.

Ms. Di Tommaso said that Staff recommends that the Planning & Zoning Board recommend approval of the rezoning from the C-1 District to the PUD District with the following conditions of approval:

1) The owners of all parcels within the PUD shall be subject to the Unity of Control Document as outlined in Exhibit "A", which shall be recorded.
2) All proposed waivers in Exhibit "B" shall be approved.
3) All underlying regulations in the C-1 and NBOZ that are not otherwise modified and approved as part of the PUD, shall continue to apply to the PUD.
4) All future development proposals are subject to all the development standards set forth in the Code, including but not limited to, the ability to revisit and modify any of the approved waivers under this rezoning request, in order for the Town to be able to apply any requirements necessary for the reinvestment of parking and landscaping to the site.
5) Any redevelopment of the Property shall meet the County's traffic concurrency ordinance.
6) Any revisions to the approved Site Plan shall be submitted to the Community Development Department and shall be subject to its review and approval.
7) The K-Mart Plaza shall be in compliance with the following plans on file with the Town's Community Department or authorized revisions as noted below:

a. Site Development Plan as sheet SP-1, dated 03/22/2011 prepared by Gentile Holloway O'Mahoney & Associates, Inc. who is the Planner of record for the Project.
b. Survey Plans as sheet S-1, S-2, S-3, dated 3/21/2011 prepared by ATLA/ACSM Land Title Survey as surveyor of record for the Project.
c. Waiver Location Plan as sheet WP-1, dated April 19, 2011, prepared by Gentile Holloway O'Mahoney & Associates, Inc. who is the Planner and Landscape Architect of record for the project.

8) Cost Recovery. The Owner/Applicant shall reimburse the Town within 10 days of submittal of an invoice by the Town for consulting and legal fees and costs the Town has incurred in reviewing the Project. Failure by an Owner/Applicant to reimburse the Town within 10 days may result in the automatic revocation of any and all land development

approvals by the Town and any other appropriate measures that the Town deems necessary and appropriate to secure payment.

Jamie Gentile, Senior Planner, of Gentile, O'Mahoney & Associates, addressed the Board and provided a spreadsheet with a Summary of Waivers and gave a Power Point presentation showing details of the property, including the parking areas and landscaping, and indicating waivers requested from the Town of Lake Park Code and the Northlake Boulevard Overlay Zone (NBOZ) Code. Mr. Gentile explained that he was going to clarify the waiver requests and that the waivers are mostly related to the parking areas as to the number of trees, their placement and the number of parking islands which are not consistent with standard code requirements, and landscaping. Mr. Gentile stated that there are three (3) types of waivers:

1) Open-space
2) Parking
3) Landscaping

Mr. Gentile indicated that the waivers represent the conditions as approved and that no new requests are being made at this time. The PUD is being done to allow for individual ownership of parcels within the overall development plan while maintaining the integrity of the overall plan. Additionally, the rezoning to a PUD allows for the opportunity to create a clear record of the existing conditions with the site plan by documenting the design standards of the approved plan. (A copy of the Summary of Waivers, as well as the color rendering of the K-Mart Retail Plaza indicating current waivers, are attached hereto and made a part of these Minutes.)

Upon conclusion of the Board discussion, Vice-Chair Thomas made a motion to recommend approval of the request of SC Lake Park Associates, LLLP, to re-zone the 15.991 acres of developed land (K-Mart Retail Plaza) located on the southwest corner of Northlake Boulevard & Old Dixie Highway from C-1 to a PUD, contingent upon the up-grading of the landscaping to include 3' hedges and shrubs along the rear and west perimeters of the property. The motion was seconded by Board Member Bontrager and the vote was as follows:

	Aye	Nay
Tim Stevens	X	
Judith Thomas	X	
Robin Maibach	X	
Anthony Bontrager	X	
Mason Brown	X	

The Motion carried 5-0, and the P&Z Board unanimously agreed to approve the request of SC Lake Park Associates, LLLP, to re-zone the 15.991 acres of developed land (K-Mart Retail Plaza) located on the southwest corner of Northlake Boulevard & Old Dixie Highway from C-1 to a PUD, contingent upon the up-grading of the

landscaping to include 3' hedges and shrubs along the rear and west perimeters of the property.

PUBLIC COMMENTS

Mr. Brian O'Brien, a business owner on North Killian Drive, submitted a Public Comment Card and addressed the Planning & Zoning Board with his concerns regarding the request for rezoning the K-Mart Plaza from C-1 to a PUD. Mr. O'Brien questioned the Town's incentive to allow the change to a PUD and stated that he believes that it would be a mistake on the Town's part because the property would then be conforming, and also that the Town would be giving up its ability to have a say regarding future redevelopment of the property. Community Development Director Nadia Di Tommaso stated there is no development being proposed at the present time and that everything will remain the same. Town Attorney Baird explained that if a PUD is granted, then the current non-conforming uses would become conforming uses and that any future development of the site would have to conform to PUD requirements. Mr. O'Brien stated his opinion that before the PUD request is granted, that the property should be made to come into compliance with the current landscaping codes of the Town, since the landscaping is scarce along the backside and west side of the property.

COMMENTS FROM THE INTERIM COMMUNITY DEVELOPMENT DIRECTOR

There were no comments from the Interim Community Development Director.

ADJOURNMENT OF MEETING

Board Member Bontrager made a motion to adjourn the meeting. The motion was seconded by Board Member Maibach and the meeting was adjourned at 8:38 p.m.

Respectfully Submitted,

Kimberly Rowley
Planning & Zoning Board Secretary

PLANNING & ZONING BOARD APPROVAL:

_____
Planning & Zoning Board Chair

DATE:

_____

Town of Lake Park
Community Development Department

Meeting Date: November 7, 2011

From: Nadia Di Tommaso, *Community Development Director*

To: Planning & Zoning Board

Re: Marina Village P.U.D. Rezoning and Site Plan Review

THE NOVEMBER 7th PUBIC HEARING WILL BE CONDUCTED SIMILAR TO A WORKSHOP. HOWEVER, BECAUSE OF THE STRONG PUBLIC INTEREST IN THE PROJECT AND THE FACT THAT IT WAS ADVERTISED AS A PUBLIC HEARING, MEMBERS OF THE PUBLIC WHO WISH TO ADDRESS THE BOARD WILL BE PERMITTED THEIR CUSTOMARY THREE MINUTES TO COMMENT ON THE PLANS WHICH HAVE BEEN SUBMITTED. AT THIS POINT, THE APPLICATION IS NOT COMPLETE, BUT THE APPLICANT HAS REQUESTED THAT THE SITE PLAN WHICH HAS BEEN SUBMITTED BE PRESENTED TO THE BOARD. THE STAFF RESPECTFULLY REQUESTS THAT AT THE CONCLUSION OF THE PRESENTATIONS AND PUBLIC COMMENT, THE BOARD OFFER ITS COMMENTS ON THE APPLICATION AND THEN CONTINUE THE PUBLIC HEARING TO ITS REGULARLY SCHEDULED DECEMBER BOARD MEETING SO THAT THE PROJECT DOES NOT HAVE TO BE RE-ADVERTISED, UNLESS THE BOARD CAN DETERMINE A TIME AND DAY CERTAIN TO MEET SOONER.

BACKGROUND INFORMATION:	
Applicant(s):	South Florida Leasing, Inc
Owner:	South Florida Leasing, Inc.
Address of Location:	Approximately 250 feet north of Silver Beach Road between North Federal Highway and Lake Shore Drive
Lot Size:	1.97 acres (85,663 square feet)
Existing Zoning / Land Use:	C-1, R2-A / Commercial-Residential
Proposed Zoning / Land Use	PUD / Commercial-Residential
Adjacent Zoning	
North:	C-1, R2-A
South:	C-1, R2-A
East:	Public
West:	C-1

APPLICANT'S REQUEST:

South Florida Leasing, Inc. ("Applicant"), has requested the rezoning of approximately 1.97 acres of land ("property") located between North Federal Highway and Lake Shore Drive, approximately 250 feet north of Silver Beach Road, in the Town of Lake Park. Currently, the property is developed only with a single family home of approximately 3,100 square feet. The property has a Future Land Use designation of Commercial/Residential under the Town's Comprehensive Plan. The Applicant proposes that the property be rezoned from its existing zoning districts of C-1 (Commercial) and R2-A (Residential) to Planned Unit Development (PUD). The Applicant is also seeking waivers from the Town's Land Development Regulations. The site plan application submitted by the Applicant shows property which has been dedicated to the public as being used for parking and a Promenade. This aspect of the site plan is ultimately subject to the Commission agreeing to allow the public property to be used by the Applicant as proposed, or as modified.

The purpose of assigning PUD Zoning to the property is to promote the innovative use of the site to be developed by allowing for the "relaxation" of the land development regulations which govern the underlying zoning districts. By employing the PUD approach the Applicant is permitted to certain waivers of the land development regulations which would normally be applied in exchange for certain "public benefits." Nevertheless, the PUD must still implement and be in harmony with the general intent of the town's land development regulations. The PUD zoning district essentially creates an overlay zone applicable to the two zoning districts which currently apply to the property.

Within the Applicant's property which will encompass the PUD, the Applicant proposes a mixture of commercial uses, including a restaurant, and existing commercial offices for the sale of yachts and a miniature golf outdoor recreation facility. The project will be known as the Marina Village PUD. The Applicant also proposes that the Town close a portion of Lakeshore Drive which would accommodate the Applicant's proposed Tiki Bar, parking, vehicular drop off area and a fire pit with seating as shown on the site plan submitted by the Applicant.

PART I – Within PUD Boundaries

The Marina Village PUD would involve converting an existing 3,100 square foot residential single family home into a 3,100 square foot restaurant and an 18-hole outdoor miniature golf course recreational facility. The PUD also includes existing professional and yacht sales offices.

PART 2 – Uses Proposed for the Right-of-Way

The Applicant proposes the use of several areas which have been dedicated by Plat for the perpetual use of the public, and which are outside the legal boundaries of the property. These areas are Town Rights-of-Way which

were dedicated to the Town pursuant to the Kelsey City Plat for the perpetual use of the public. Consistent with the Town's Attorney's opinion (see memo), the Town Commission as the governing body of assets dedicated to the public is responsible for determining whether the use of these rights-of-way remain for the perpetual use of the public, and further the public's "health, safety and general welfare". Moreover, because the Town Commission is essentially charged with being trustees of the use of these roads and right of ways, it must also determine whether the uses proposed by the Applicant for these areas are for the public's benefit. Accordingly, while the P&Z Board may make recommendations to the Commission, ultimately the Commission will determine what public use will be made of the roads dedicated to the public by the Plat of Kelsey City. Should the Town Commission choose to incorporate the proposed uses into the Rights-of-Way, the Town Attorney would prepare a License Agreement to be entered into between the Applicant and the Town.

As currently depicted on the site plan, there are four areas in the right-of-way the Applicant proposes to use. The site plan depicts parking in the areas in front of 220 Lake Shore Drive and along the south side of 126 Lake Shore Drive adjacent to the existing single family home. Staff does NOT support the use of these areas for parking. Staff is of the opinion that setting aside these parking areas for private entity is inconsistent with the intent of the Plat which dedicates this portion of the right-of-way to the perpetual use of the public.

The Applicant is also requesting the use of the western portion of the Lake Shore Drive right-of way for a Fire-Pit and passenger drop-off associated with the restaurant use. In addition, the Applicant proposes to use an eastern portion of the Lake Shore Drive right-of-way for a Tiki Bar, also associated with the restaurant. The Applicant states the placement of the fire pit in the right-of-way will provide a seating viewing area for the public of the Marina. The Applicant is also proposing that the Tiki bar area and the closure of the eastern portion of the Lake Shore Drive right-of-way will provide an additional gathering area, accessible for the public's use and enjoyment at all times. These proposed areas are somewhat in the nature of permanent improvements. Although the public benefit is evident, these uses are being discouraged due to lack of sufficient justification. As submitted, the site plan fails to demonstrate Pedestrian connectivity. The Applicant also requests the use of 8 slips at the Town's Marina. *The requested 8 Marina slips would have to be incorporated into the License Agreement with the Town.*

There is also an entry point being proposed on the plans whereby a driveway entrance into the property is being proposed along the south side of the 131 North Federal Highway building. This access easement was granted to the Town in December 2010 and represents a 17' drive aisle with egress onto North Federal Highway only. The engineering and geometrics of this proposed access to the property does not work and has yet to be addressed.

PART 3 – Requested Waivers

(1) **Noise**: The Town of Lake Park Code of Ordinances requires that the decibel levels on receiving Commercial properties not exceed 55 db

between 10pm-7am. The receiving residential land use levels are not to exceed 50 db from 7pm-7am. The Applicant is proposing to maintain a 65 db level within their official PUD boundaries, on Commercial land, until 11pm Sunday through Thursday, and until 1am Friday and Saturday evenings. This would require a waiver to extend the Code required 10pm to 11pm on Sunday through Thursday, and 1 am on Friday and Saturday. The public benefit to providing this waiver has not been identified. Further justification is also required to explain the impacts this will have on the neighboring residential uses as these areas cannot receive more than 55 db until 7pm and 50 db after 7pm. Staff does not recommend this waiver without further justification.

(2) **Parking**: The Town of Lake Park Code of Ordinances defines golf course parking and bowling alley parking. Staff has determined that, in terms of parking and traffic generation, a miniature golf course is more similar to a bowling alley than a typical 18 hole golf course. The code requires 2 spaces per hole for a bowling alley and consequently an 18-hole mini golf course would require **36** spaces. The restaurant and two under-air tiki bars are proposed to be 5,500 square feet and require 12 spaces per 1,000, for a total of **66** spaces. The existing 7,023 sf office space requires 5 spaces per 1,000 sf, for a total of **36** spaces. A total of **138** spaces are required. The Applicant is proposing 71 spaces onsite and the remaining 67 (49%) spaces to be provided with a valet service. The Code allows for up to 50% of the parking to be provided through onsite valet service. The Applicant proposes that the valet be located offsite and is thereby requesting a waiver in order to satisfy 49% of its required parking using offsite valet. The public benefit has not been identified and the queuing in the passenger drop-off area is not clearly defined. A parking study has been suggested. Staff cannot recommend approval of this waiver at this time.

(3) **Setbacks:** A portion of the existing home is located 6.77' from the south lot line and as such extends into the R-2A 10' side yard setback area by approximately 3.23'. This Applicant requests a 3.23' waiver from the side yard setback requirements of the R-2A zoning district in Section 78-65(4) to allow the existing building to remain as is. The existing nonconformity is not being proposed for expansion. In order to accommodate the public benefit, and pursuant to the code requirements, the applicant is proposing a buffer wall and landscaping to mitigate this smaller setback. The existing single-family home also has a 30 ft front setback requirement. The Applicant is proposing to add a Tiki Bar, which would create a front setback of 10.7'. The PUD allows for this flexibility in design and providing a smaller front setback would create a strong street presence and interaction with the Marina and proposed promenade improvements, and will not adversely affect neighboring residential properties due to the separation wall and additional landscaping on either side. There is a public benefit to create this street connectivity and staff is in favor of this waiver.

(4) **Open Space**: Section 78-77.4(b)(5) requires that 5% of the gross land area be provided in lands for public parks, and/or recreation. Setting aside lands for public open space is common for large planned unit developments that include 10's or 100's of acres, however is very difficult and typically not required for smaller, in-fill redevelopment-oriented PUD's. However, the Applicant is proposing that the PUD site plan provides several areas that are devoted to recreation and/or open spaces that are available to the public and therefore satisfies this request. Staff is in favor of this waiver.

CONSISTENCY WITH COMPREHENSIVE PLAN

The proposed PUD is consistent with the Town's Comprehensive Plan's Future Land Use Policy 1.4. This Policy requires all parcels of land to be consistent with the land use classification of Section 3.4.3 of the Comprehensive Plan. The subject site has a "Commercial/Residential" land use designation. The uses requested as part of the PUD are consistent with this policy.

The Town's Comprehensive Plan also addresses Traffic Circulation, Sanitary Sewer, Solid Waste, Drainage, Potable Water, and Air Quality Conservation in an attempt to assure concurrency. Even though the Legislature repealed concurrency in its 2011 session, staff finds that the application meets consistency. The proposal will be conditioned for Seacoast Utility Authority, Palm Beach County Health Department, SFWMD, and FDOT permits prior to a Certificate of Occupancy.

Policy 1.5 of the Town's Comprehensive Plan contains a policy encouraging economic development provided that the public's health, safety and welfare are maintained. Policy 1.5 also states that the Town shall encourage development and redevelopment activities which will substantially increase the tax base. Successful economic development will serve to revitalize the area.

ITEMS STILL TO ADDRESS (*not exhaustive*):

→ Noise waiver justification
→ Elevations of existing buildings and mini-golf course
→ Update on the Unity of Control document
→ Update on the Plat application
→ Directional signage throughout the site
→ Pedestrian connections from US-1 to Lake Shore Drive to further the waterfront access
→ Clearly defined valet areas and traffic circulation patterns, showing existing roadways. Copy of the traffic study. Updated concurrency letter with correct information from Palm Beach County.
→ Updated cover page with correct property development regulations
→ Promenade kiosk information
→ Revision to the Survey to clearly delineate the property limits and confirm all easements that affect the property development as shown on the Survey

→ Prior to final approval, agreements for cross access and parking must be provided.
→ The proposed off-site access encroachment onto Town property on the south side of the 131 Lake Shore Drive building is proposed to be egress only. The parking area lacks an access point
→ Site plan should detail the existing parking layout and improvements for all uses within the limits of the Site Plan (i.e. the existing office and parking areas to the north)
→ The proposed parking areas in front of 220 Lake Shore Drive and on the south side along 126 Lake Shore are proposed to be reserved for private property and are against the intent of the public right-of-way and should be removed from the site plan.
→ FDOT roadway design standards must be delineated for all driveway connections along North Federal Highway
→ Following site plan approval, the Applicant will be required to submit paving, drainage, water and sewer plans and permit applications to the Town of Lake Park including a Stormwater Pollution Prevention Plan, typical sections, pavement design sections, comprehensive general notes and specifications and any other detailed information. Permits will be required from Seacoast Utility Authority, Palm Beach County Health Department, SFWMD, the FDOT (for driveway connection modifications and drainage)
→ Screening for backflow preventer
→ Visibility triangles should be noted
→ Proposed plant list should indicate shrub height and spread, not gallon size.
→ Dumpster enclosure construction materials
→ Existing landscaping along Cypress Drive.

STAFF RECOMMENDATION:

A CONTINUANCE of the Rezoning and Site Plan Application to the regular December meeting of the Planning & Zoning Board, unless the Board is willing and able to meet sooner.

JONES
FOSTER
JOHNSTON
& STUBBS, P.A.

Attorneys and Counselors

Memo

To: Planning & Zoning Commission
From: Thomas J. Baird, Town Attorney
Date: November 4, 2011
Subject: Dedication of ROW by Plat of Kelsey City

The Commission has received much email correspondence from Mr. Brent Headberg, including most recently an email dated November 2, 2011 concerning issues associated with Lake Shore Drive. In the November 2, email, Mr. Headberg, who is a licensed Professional Surveyor and Mapper raises some well informed questions regarding legal issues associated with the Plat of Kelsey City. This memo is intended to address the issues Mr. Headberg has raised in his various emails and offer the Planning and Zoning Board (and ultimately the Town Commission) guidance with respect to the legal issues which have been raised. It is not intended to suggest any particular policy that either the Board, or the Commission should adopt.

In the November 2, email, Mr. Headberg notes that the Kelsey City Plat is a legally binding "document," the purpose of which is to transfer title to land. I agree. Next, with respect to the ownership of rights-of-way dedicated to the perpetual use of the public, he notes that "nowhere will you find a deed to the streets that conveys title to the street to the Town of Lake Park." Again, I agree. Nevertheless, a Plat is also a means of transferring ownership of property, and in this case, the dedication language contained in the Plat of Kelsey City **does operate to legally transfer title of the streets** to the Town "for the perpetual use of the public." There is long standing court precedent for this. Once a street or road right-of-way has been dedicated by plat for the public, the local government where it is platted (in this case the Town) becomes the legal owner which is authorized to maintain, widen, alter, change, or discontinue the street or right-of-way. See Roney Inv. Co. v. City of Miami Beach, 127 Fla. 773, 174 So. 26 (Fla. 1937). This is so because "the public" cannot collectively own and maintain roads. Thus, the roads are held "in trust" by the Town for the benefit of the public. The Florida Supreme Court long ago recognized that a municipality holds a street dedicated for the benefit of the public in trust for the public. Accordingly, it is the Town Commission as the governing body of the Town who ultimately makes decisions regarding the maintenance and use of the roadways.

Mr. Headberg has also questioned the Town's authority to restrict, or close a public road. This issue has been the subject of court opinions in Florida since the mid-1900s. The Florida Supreme Courts have consistently opined that the use of public streets is the responsibility of the governing body of the municipality, and that the governing body may allow for the encroachment by private interests on publicly dedicated land. Lincoln Road in Miami Beach is but one example of a decision to close, but not abandon a public street. Lincoln Road is one of the main business streets in the City of Miami Beach. The City decided to close a portion of Lincoln Road (between the Westside of Washington Avenue and the east side of Alton Road) and to convert it into a promenade or mall from which all vehicular traffic is excluded. The City removed the existing sidewalks and the roadway pavement. It replaced these improvements with walks, ramps, landscaped areas, fountains, pools, walls, shelters and seating to create a pedestrian Promenade. In appearance, it is more like a linear park, but remains open and accessible to the public, and there are businesses which are located along the "road." The Court was asked to decide whether the City had the right to construct a promenade and to limit this portion of the road to pedestrians. The Court ruled that the City could "close" the street to vehicular traffic thereby turning a portion of Lincoln Road into a pedestrian Promenade.

The site plan proposed by the developer of the Marina Village PUD proposes that the Town close the eastern lane of Lake Shore Drive to vehicular traffic, and that this lane be used as a pedestrian promenade, and that a Tiki Bar be situated in a portion of the right-of-way. The developer also proposes that a portion of the western right-of way of Lake Shore Drive be used for parking, a "drop off" area, and for a fire pit with seating, all uses associated with the development of a restaurant located on the Developer's property. Given the authority cited above, it is clear that the Town Commission may permit the use of property dedicated for the benefit of the public provided the Commission determines that the use of the public's property is not to benefit purely private interests. In other words, there must be some public benefit associated with the Commission's decision to allow the use of the property it holds "in trust" for the public.

Corey W. O'Gorman AICP
PLACE Planning & Design
700 US Highway One, Suite I
North Palm Beach, FL 33408
561-863-2722 Phone
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Community
OCT 24 2011
Development

MARINA VILLAGE PUD
Justification Statement

Project Overview

The Marina Village PUD proposes to redevelop and renovate several properties along with the development of public and semi-public amenities (Project) all of which are associated with improvements to the Lake Park Marina (Marina) envisioned by the grant agreement with Palm Beach County for the Marina improvements. Consequently the PUD site plan (attached) incorporates privately owned property and Town-owned property. The privately owned property includes renovation and conversion of an existing single-family home into a restaurant and redevelopment of a portion of the site to establish a new miniature golf open space/recreational facility in combination with an existing yacht sales office and other professional offices.

The portion of the Project on Town-owned property adjacent to the restaurant are streetscape enhancement-oriented as well as additional outdoor seating, and covered dock-side structure that will integrate into the Town's pedestrian promenade along with eight (8) Marina slips. These improvements are included in the PUD site plan (attached) and will be addressed through a lease agreement between the property owners and the Town.

The Parcel Control Numbers for the properties included in the Project are as follows:

36-43-42-20-01-114-0010 – Existing yacht sales / parking area / mini-golf
36-43-42-20-01-114-0351 – Single-family home to be renovated as restaurant/mini-golf
36-43-42-20-01-114-0352 – Mini-golf / parking
36-43-42-20-01-114-0090 – Mini-golf / parking
36-43-42-20-01-114-0130 – Professional Office / Mini-golf / parking

These properties are located between US 1 and Lakeshore Drive, just north of Silver Beach Road. The professional offices and mini-golf have or will have frontage on US 1 where there will also be a driveway access for on-site parking. As illustrated on the attached PUD site plan the project also includes improvements to Lake Shore Drive and Marina promenade.

In addition to the improvements illustrated in the PUD site plan, improvements are also planned for the Marina including boat trailer parking, car parking and the pedestrian promenade. On August 4, 2010 the Town of Lake Park Commission passed a motion 5-0 to accept the County Water Access Bond Grant for the purchase of property located at 115

Federal Highway, and subsequently on November 16, 2010 entered into an interlocal agreement for funding additional boat trailer parking and increasing public access to the Lake Park Marina.

These improvements include a pedestrian promenade providing public pedestrian access to the waterfront for both boater and non-boater. In addition, restaurant and retail is to be provided and financed through the private sector. This phase of the Project will provide a positive experience for the public to access the waterfront and provide amenities that will enhance the public marina and its environs. This type of public/private partnership will help leverage the public dollars to increase the public's enjoyment of and access to the waterfront. Adjacent property owner, Wayne Creber, has been meeting with Town officials for several years to help bring the Project to fruition. As identified on the PUD site plan Mr. Creber is proposing to lease a portion of the promenade to be used as waterfront dining (tiki bar accessible to the public for leisure). A lease agreement is required from the Town. We are proposing five years with five year option. Additional areas to be included in the agreement are the passenger drop-off area and the extended fire pit area.

Regulatory Framework

All of the properties located between US 1 and Lake Shore Drive are designated *Commercial / Residential* in the Lake Park Comprehensive Plan Future Land Use Map. The Marina property located to the east of Lake Shore Drive is designated *Recreation Lands* by the Lake Park Comprehensive Plan Future Land Use Map.

The Marina Village PUD rezoning request is ***consistent with the Commercial / Residential Future Land Use*** which allows a mix of uses and is consistent with the existing and proposed land use patterns. The proposed PUD rezoning is also ***consistent with the Recreation Lands Future Land Use*** designation which is for areas that are devoted to leisure time and outdoor recreational needs and is compatible with adjacent marina uses.

The Town of Lake Park Zoning Map assigns several zoning classifications to the properties subject of this petition including C-1 Business District, and R-2A Residential. The C-1 zoning applies to the properties which front US 1, and the R-2A applies to the property fronting on Lake Shore Drive. The zoning map also classifies the property where the promenade improvements are proposed as Public. A description of those zoning classifications is as follows:

> *C-1 Business District* – this district allows for a wide range of commercial, retail, professional office, and outdoor recreation including mini-golf. The district also prescribes some building and setback requirements.
>
> *R-2A Residential* – this district allows single-family homes, churches, hotels, multi-family structures, group homes and other uses by special exception, and like the C-1 district it also prescribes some building and setback requirements.

P Public – this district allows uses essential to the administration and operation of the town such as town hall, recreation facilities, parks and playgrounds, and other similar uses. No building requirements are specified.

In order to accommodate the proposed Marina Village unified development plan, this petition requests establishment of a Commercial Planned Unit Development (PUD). Section 78-77 of the Town of Lake Park Code of Ordinances outlines the provisions of the PUD requirements. Generally, those requirements include the following:

Purpose – the achievement of innovative use and site design in the development of land is often difficult or impossible within the context of conventional zoning regulations. In order to permit design flexibility and to facilitate the use of contemporary land development techniques, it is often advantageous to establish planned unit development in which the development is in harmony with the general purpose and intent of the town's land use regulations, general planning program and comprehensive plans, but which may differ in one or more respects from the provisions of specific zoning regulations.

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

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

Where conflicts exist between these special planned unit development regulations and general zoning, subdivision, and other applicable ordinance provisions, these special regulations shall apply only in the land area of the planned unit development subject to review and approval by the town commission.

In all cases the PUD shall conform to the comprehensive plan. A plat is requested to be conditioned as part of the development order.

General and special regulations applicable to all planned unit developments include the following:

- Minimum site area required is 80,000 square feet for a commercial PUD;
- Maximum building height is four stories or 50';
- The land must be under unified control;
- Permissible uses may include any of the uses which are allowed in the underlying zoning district, and any additional uses may be permitted by the town commission;
- Waivers may be granted by the town commission for compliance with the standard land development regulations in the following areas:

- Site configuration;
- Setbacks;
- Minimum lot size;
- Maximum building height;
- Parking;
- Open space; and,
- Landscape buffers and setbacks.

Waivers may be approved provided the spirit and intent of the zoning regulations are complied with in the total development.

Marina Village PUD

The Marina Village Planned Unit Development (PUD) application requests designation as a commercial PUD for the implementation of the Marina Village Project. As specified in the PUD ordinance, allowable uses are those within the underlying zoning, and other uses can be approved by the town commission provided compliance with the Comprehensive Plan.

Uses proposed include the following:

- Restaurant – The restaurant is allowable in the C-1 district and as such is a permitted use within the PUD.
- Mini-golf – The mini-golf use is allowable in the C-1 district and as such is a permitted use within the PUD.
- Office – The professional office use is allowable in the C-1 zoning district and as such is a permitted use within the PUD.

Surround zoning and Future Land Use designations include the following:

	Existing Zoning	**Existing FLU**
Subject Property	C-1 / R-2A	Commercial / Residential
North	C-1 / R-2A	Commercial / Residential
South	C-1 / R-2A	Commercial / Residential
East	P – Public	Rec Lands
West	C-1	Commercial / Residential

Property Development Regulations:

The property development regulations for the PUD are expressed through the master plan, reflect the existing pattern of buildings to remain and the proposed improvements both on-site and off-site. Those development regulations are to be in accordance with the underlying zoning regulations unless otherwise modified by a waiver. For the proposed restaurant located in the R-2A district, the property development regulations are as follows:

	Required
Lot area	7,500 square feet
Maximum building height	2 stories / 30'
Minimum lot frontage	75'
Front Setback	35'
Rear Setback	7'
Side (north) setback	10'
Side (south) setback	10'

For the existing office uses located in the C-1 district, the property development regulations are as follows:

	Required
Maximum building height	2 stories / 30'
Minimum floor area	1,200 square feet
Front Setback	25'
Rear Setback	15'
Side (north) setback	15'
Side (south) setback	15'

The Zoning Code specifies the following parking requirements:

	Required
Restaurant	12 spaces / 1,000 GFA
Office	5 spaces / 1,000 GFA
Mini-golf	Not defined

The Marina Village PUD proposes the following for general property development regulations:

	Required
Lot area	85,854 square feet
Maximum building height	1 story / 22.5'
Minimum lot frontage	75'
Front Setback	10.7' (waiver required)
Rear Setback	Not applicable
Side (north) setback	10'
Side (south) setback	6.77 ' (waiver required)
Open space	5% gross land area

The following is proposed for parking:

	Required
7,023 of Office @ 5/1,000	35
5,500 of restaurant @ 12/1,000	66
2 / hole for mini-golf	36 (proposed)

Total Parking Required	137

The Marina Village PUD is proposing to provide 78 parking spaces on-site with 59 parking spaces to be provided via a parking easement agreement with the Town in the Lake Park Marina. A waiver is required to allow off-site parking as proposed.

In addition to the above, Subpart A of the Town of Lake Park Code of Ordinances, Chapter 10 Environment, Article IV Noise Control Section 10-155 specifies the acceptable decibel levels for "receiving" land uses to be measure at the property line of those land uses. For residential uses, acceptable levels from 7am to 7pm are 55 dB, and from 7pm to 7am the acceptable levels are 50 dB. Inasmuch as the Marina Village PUD proposes outdoor seating with bars and operating hours that extend later into the night, a waiver would be required to allow higher decibel levels.

Waivers Requested

As described above waivers are needed for setback, off-street parking and noise. The PUD Ordinance allows waivers to be approved provided the spirit and intent of the zoning regulations are complied with in the total development of the planned unit development and mitigation is provided where required. It also states that a waiver request must be submitted in writing for each land development regulation from which it seeks relief as part of the planned unit development application, fully explaining the nature of the request, the extent to which it departs from a standard zoning regulation, and the basis for which a waiver is sought. In that regard, following is a description of the waivers requested:

Setback – The proposed restaurant includes the renovation of the existing single-family home and the construction of a new dock-side structure located in the front yard area of the existing home. Building setbacks are intended to ensure that buildings have proper separation to reduce the spread of fire; to allow light and air passage between buildings; to provide for open space and buffering between uses; and to allow physical access to all parts of sites and buildings.

A portion of the existing home is located 6.77' from the south lot line and as such extends into the R-2A 10' side yard setback area by approximately 3.23'. This application requests a 3.23' waiver from the side yard setback requirements of the R-2A zoning district in Section 78-65(4) to allow the existing building to remain as is. Inasmuch as the Marina Village PUD includes the construction of a buffer wall and landscaping to separate the proposed uses from existing residential approval of this waiver will not adversely affect the neighboring property.

Regarding the dock-side structure, the existing single-family home is located 40' from the front property line. In order to construct the proposed Tiki, it will be located 10.7' from the front property line and would extend 24.3' into the R-2A front yard setback described in Section 78-65(4). Additional improvements are proposed to be constructed between the Tiki and Lake Shore Drive including pedestrian access, lighting, a fire pit and seating area which is outdoor café-oriented and streetscape in nature which are commonly allowed in areas such as this.

Locating the proposed improvements in the front setback create a strong street presence and interaction with the Marina and proposed promenade improvements, and will not adversely affect neighboring residential properties.

The setback waivers will enhance the public spaces, enable the marina and marina parking areas to be more fully utilized and improve tax and parking revenues to the Town, and as such will be a public benefit.

Open space – Section 78-77.4(b)(5) requires that 5% of the gross land area be provided in lands for public parks, and/or recreation. Setting aside lands for public open space is common for large planned development that include 10's or 100's of acres, however is very difficult and typically not required for smaller, in-fill redevelopment-oriented PUD's. However, the PUD site plan provides several areas and land uses that are devoted to recreation and/or open spaces that are available to the public but are not intended as "public parks and/or recreation" per se. Although the miniature golf use is recreational in nature, payment would be required to use it. The fire pit and dock-side structure are open for public enjoyment but patrons would be required to pay for food or drink. Inasmuch as the nature of the uses are open space, recreational and create amenities that enhance the Town Marina open space, this PUD requests a waiver to comply with Section 78-77.4(b)(5). The open space waiver will allow the entire site within the PUD to be developed for the uses described herein and as illustrated on the PUD plan (attached) thereby improving tax and parking revenues to the Town and enhancing the adjacent public spaces, and as such will be a public benefit.

Parking – As described above there is a deficit of on-site parking which is proposed to be mitigated through a lease of spaces located off-site at the Marina to ensure that adequate parking exists for the proposed uses. The PUD provides a total of 78 spaces on-site and requires a total of 137 by Code Section 78-142 thereby requiring a waiver to allow 59 parking spaces to be provided off-site. These 59 additional spaces are to be provided via a lease agreement between the Marina Village PUD and the Town of Lake Park.

Of the 137 spaces required includes 36 spaces for the miniature-golf. The Section 78-142 of the Code does not specify parking required for miniature-golf but does include parking requirements for a golf course of four (4) spaces per hole, and provides parking requirements for other recreational uses such as a bowling alley of two (2) spaces per lane. By virtue of the size of a miniature-golf facility four (4) spaces would far exceed the demand so this requirement would not be appropriate. It is anticipated that approximately one group of visitors would be accommodated per hole of miniature-golf, therefore the most comparable parking calculation would be a bowling alley at two (2) spaces per hole.

The mix of uses including marina, restaurant, mini-golf, and professional office all have varying peak hour usages and will not all have full occupancy of use (e.g., not all marina spaces or all office square footage will typically be 100% leased). It is also expected that some visitors will patronize several establishment thereby reducing the overall parking demand. Given the availability of spaces at the Marina, varying peak usages of parking, and the potential for reduced demand, the proposed supply of parking will meet demand. The parking waiver will

enable a sharing of parking between the marina and PUD uses thus more fully utilizing existing public parking and increasing revenues to the Town, and will reduce the need for additional surface parking and related environmental impacts, as such this will be a public benefit.

Noise – to correspond with the proposed hours of operation of the restaurant, this PUD requests a waiver to the Noise Control section of the Lake Park Code of Ordinances, Section 10-155. Under the current code, the decibel level for residential land uses (as the receiving land use) is limited to 55 dB from 7am to 7pm and 50 dB from 7pm to 7am. The waiver requests that Section 10-155 be modified as follows:

- Noise levels cannot exceed 55 dB Sunday through Thursday from 11pm to 7am;
- Noise levels cannot exceed 55 dB Friday and Saturday from 1am to 7am.

This request recognizes operating hours of the business and generally reflects the allowable noise levels for Recreation/Open Space/Commercial Recreation uses as a receiving land use. Further, granting of this noise waiver will enliven the public spaces along the promenade and in the Marina and increase revenues to the town, as such this will be a public benefit.

Application Required Information

1. **What is the nature of the request?**

   The stated nature of the request is to rezone the property to PUD. This rezoning will allow renovation and redevelopment of the property to include a mix of uses including professional office, miniature golf open space recreation, restaurant and dock-side structure, and will allow waivers for building setback, off-site parking, and variation in noise levels. Further, approval of the PUD will enable the PUD development to integrate into the Lake Park Marina thereby enhancing both uses.

2. **The requested change would be consistent with the Land Use Plan and would not have an adverse affect on the Comprehensive Plan?**

   The PUD rezoning is consistent with and implements the *Commercial / Residential* and *Recreation Lands* Future Land Use designations of the Comprehensive Plan Future Land Use Element. It is also consistent with the proposed future land use patterns in surrounding areas including the zoning and Future Land Use designations in Riviera Beach to the south. Where the proposed development is adjacent to existing residential development, landscape and a buffer wall are proposed to mitigate impacts.

3. **The requested change is consistent with the land use patterns.**

   The surrounding land use pattern is a mix of high intensity commercial, retail, professional office, marina (public open space), and residential. As noted above, where the proposed development is adjacent to existing residential development, landscape and a buffer wall are proposed to mitigate impacts.

4. **The requested change will not result in an increase or overtaxing of public facilities.**

   The proposed development will not increase the demand on any public facilities such as roads, water, sewer, schools, storm drainage, parks and public buildings such that it will cause a reduction in acceptable levels of service. The proposed use will enhance access to and use of the adjacent marina development.

5. **The requested change will not adversely impact public safety.**

   The proposed traffic and pedestrian circulation provides safe access to the site from existing on-site parking as well as off-site parking areas, will enhance the traffic patterns and utilization of area-wide parking, and will not adversely affect public safety.

6. **That the requested change will not adversely impact living conditions in the neighborhood or surrounding areas.**

   Impacts of the PUD rezoning and related waivers will be mitigated by the installation of landscaping and buffer walls to address existing neighboring residential uses. Access to on-site parking areas are located away from residential uses, and the off-site parking areas are currently accessed by patrons of the Marina. The requested modification to noise levels is minimal and will also be mitigated by the installation of landscaping and buffer walls. As such the requested change will not adversely impact living conditions.

7. **There are substantial reasons why the property cannot be used in accord with existing zoning.**

   Although allowable by the Future Land Use Plan designations, the restaurant, miniature-golf/outdoor recreation and dock-side structure uses are not expressly permitted in the R-2A zoning district. In addition, the zoning code does not provide allowance for modification to noise, parking and setback requirements as proposed in this PUD.

8. **Whether the requested change will constitute a grant of special privilege to an individual land owner as contrasted with the public welfare.**

   The PUD rezoning request does not constitute granting of special privileges and the application for PUD and request for waivers is a mechanism available to all property owners in the Town of Lake Park. The requests recognize the unique characteristics of the land and existing area development patterns.

Conclusion - Approval of the Marina Village PUD will be a public benefit by revitalizing the properties subject of this petition, it will increase the utilization of the Lake Park Marina area bringing more patrons to this part of the community and provide the design flexibility envisioned by the Planned Unit Development Ordinance. This development will also enable the integrated use of the subject site and the Marina property thereby helping to implement improvements to the Marina promenade.

Furthermore, by providing flexibility in building setbacks the PUD will create an activity center for this area and strengthen the relationship of uses to the street and to the Marina; providing parking flexibility will enable more efficient use of existing and proposed improvements and resources and reduce the impact of additional impervious area on the environment; and, providing flexibility regarding noise will enable the Marina area to become active and vibrant. In addition, approval of the PUD and granting of the requested waivers will be a public benefit by beautifying the US One and Lake Shore Drive corridors, increasing Town revenues for parking and marina slips, and increasing tax revenues to the Town.

RECEIVED BY WAYNE CREBER AND MICHAEL SUMMERS (APPLICANT)

Public Benefits of Marina Village

The Marina Village will be a key component in driving new development and redevelopment to **establish the groundwork** for realizing significant economic development outcomes in terms of job creation and expansion of the tax base.

The project **promotes sustainable economics**, particularly in the marine, hospitality, and tourism-related industries. The village will leverage its waterfront location through the promotion of ecotourism and nature-based recreation. Through the adjacent natural resource the village will create a vibrant community whereby the residence and tourists will benefit from amount of outdoor actives that will be offer at the Village. It could come from renting a kayak, scuba diving, fishing of the pier, or just sitting on the dock. Increasing and enhancing nature-based recreational and eco-tourism opportunities will provide half-day of activities for patrons, which will enable them to be attractive to the other amenities offered in the community. Visitors could shop in a local business, buying gas at a local station, take a ride on a water taxis, stay overnight in a local hotel, or eating at a nearby restaurant. The **locate business community will greatly benefit** from all the ancillary effect that will come the Marina Village.

Access to marina- The project offers unrestricted interaction with the waterfront. Visitors will be able to walk through the property to access the marina

The village will also act a destination **accessed by the waterway**. The Village being located on the waterway will alleviate traffic on public roads. The **public will also have the benefit** of utilizing the water taxis that will be available at this location.

The fit pit area will be a **public gathering area** whereby visitors will be able to sit and view the water. In addition, located on the promenade, the project also be **provides shelter** for visitors that want to escape the sun or seek coverage from a rain storm. The developer also proposes to **provide private funding** for a beach volleyball court to be located at the marina.

One of the greatest benefits of the project is that it will **greatly beatify the US 1 Corridor**. The proposed development includes constructing a **12 foot tall waterfall** to be facing US 1. The waterfall will be one of the main improvements of the miniature golf course. This modernly designed miniature golf course will be beautifully landscaped and will **greatly improve aesthetics** of the corridor. Located just north of Silver Beach Rd (the gateway of Lake Park) the new improvement will change the dynamic and image of Lake Park. This will bring about an **increase in property values.** All capital improvements that will come about from this project will **greatly benefit the town**.

The project will **increase tax revenue** for the town. The project will **create a more vibrant community** which will increase demand for property in the town. This increase in demand will not only increase property sales in the area but also **increase the occupancy rates** of nearby rental properties which will increase the property value. In addition, the increase in local traffic will help local business whereby the commercial property owners could demand higher lease rates for the property ultimately increase town revenue.

The village will **increase the demand** for boat slips at the marina. The new improvements built, along the entertainment, amenities, attractions, will make the marina much a **more desirable marina**. An increase in demand equals increase **revenue** for the town.

The project will add **jobs to the locate market**. These new jobs will have **ancillary effect** on other business and property values. Lake Park will benefit.

The Marina Village will be promoted as destination location for Palm Beach County residents and visitors. The development will attract visitors that have never visited Lake Park. Being contiguous to Rivera Beach has played a negative role on the image of Lake Park. From a public relations stand point, the development of Marina Village will **greatly improve the Town's image** which will spur future economic growth.

Lake Park Marina Village will be the **catalyst that will act as an economic engine** that will add tremendous value to the Town of Lake Park. Located on the town's front door step-boarder of US 1 and Silver Beach, The Marina Village will instantly create energy and excitement to the town best and most underutilized asset; the marina. The proposed development has the opportunity is to create a waterfront-entertainment destination that could become North Beach County's **premiere tourist attraction**

Marina Village will cater to the broader Palm Beach County's demographic as well as the many tourists that visit the area. The vision is to offer visitors to Lake Park Marina Village a unique "experience for the ages" ... a smorgasbord of variety for all ages within a pleasant outdoor waterfront atmosphere ... a place where people, young or old, families or individuals feel comfortable of a friendly sea-side village. Whether to fish, boat, scuba dive, shop or simply enjoy lunch on the water or a relaxing drink, there's something for everyone at the Marina Village. There will be fun activities for the kids, music performed by local entertainers, fashion & accessory outlets, waterfront dinning and some fun on the water.

The economic benefit to the town will be **significant**. The new excitement create by the village will greatly **increase slip demand** as it will become "the place to be Marina." In addition, the added traffic will benefit the charter business at the marina. Not only will the town benefits from the increase in revenues from slip rentals, but the **increased revenue** that will be generated from parking meters will have offer **significant positive effect** on the town budget. The Village will increase the desire to live in Lake Park which could positive impact on the town revenue. **The proposed development gives visitors a reason to visit.**

Department of Engineering and Public Works
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County Administrator
Robert Weisman

October 26, 2011

Ms. Nadia DiTommaso
Director of Community Development
Town of Lake Park
535 Park Avenue
Lake Park, FL 33403

RE: Marina Village Restaurant & Mini Golf
Project #: 111010
TRAFFIC PERFORMANCE STANDARDS REVIEW

Dear Nadia:

The Palm Beach County Traffic Division has received and reviewed the traffic study for the proposed re-development project entitled **Marina Village Restaurant & Mini Golf,** pursuant to the Traffic Performance Standards in Article 12 of the Palm Beach County Land Development Code. The project is summarized as follows:

Location:	131 US-1, on the east side across Bayberry Street, north of Silver Beach Road.
Municipality:	Lake Park
PCN #:	36-43-42-20-01-114-0090, 36-43-42-20-01-114-0351, 36-43-42-20-01-114-0352.
Existing Uses:	1,950 SF General Retail and 1 SF Residential Unit – to be demolished
Proposed Uses:	5,000 SF Quality Restaurant and one Miniature Golf Course.
New Daily Trips:	182
New PH Trips:	None AM and 14 PM
Build-Out:	End of Year 2012

Based on our review, the Traffic Division has determined the proposed development meets the Traffic Performance Standards of Palm Beach County because it is projected to have insignificant Project traffic impact. The approval is subject to the following conditions, which must be included in any development order(s) issued for this project or the TPS approval will be invalidated. Any future request to modify these conditions of approval must be based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request.

1) In order to comply with the Mandatory Traffic Performance Standards in place at the time of this approval, no Building Permits for the site shall be issued after December 31, 2012.

2) The County traffic concurrency approval is subject to the Project Aggregation Rules set forth in the Traffic Performance Standards Ordinance.

3) The Miniature Golf Course shall not be open on weekdays during the AM peak hours of 7 AM to 9 AM.

If you have any questions regarding this determination, please contact me at 684-4030.

Sincerely,

Allan A. Ennis, P.E., AICP
Assistant Director - Traffic Engineering Division

AAE:sf
cc: Jeff H. Iravani, Inc.

File: General - TPS - Mun - Traffic Study Review
F:\TRAFFIC\ma\Admin\Approvals\2011\111010.doc

* needs to be updated to include all existing uses *

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