**MINUTES**
**PLANNING & ZONING BOARD**
**MONDAY, DECEMBER 1, 2008**
**TOWN OF LAKE PARK**
**535 PARK AVENUE**
**LAKE PARK, FLORIDA**

**CALL TO ORDER: 7:00 P.M.**

**ROLL CALL:**

| | |
|---|---|
| Chairman Jeff Blakely | Present |
| Vice Chairman Todd Dry | Present |
| Tim Stevens | Excused |
| Judith Thomas | Present |
| Mary Gambino | Present |
| Robin Maibach, 1st Alt. | Absent (arrived at 7:01 p.m.) |
| Mason Brown, 2nd Alt. | Present |

**Approval of Agenda**

Vice Chairman Todd Dry made a motion to approve the agenda. Seconded by Judith Thomas.

| | Aye | Nay |
|---|---|---|
| Jeff Blakely | X | |
| Todd Dry | X | |
| Judith Thomas | X | |
| Mary Gambino | X | |
| Mason Brown | X | |
| | | |

**Motion carried 5-0**

**Approval of Minutes**

Vice Chairman Todd Dry made a motion to approve the minutes from November 3, 2008, Planning & Zoning Meeting. Seconded by Ms. Mary Gambino.

| | Aye | Nay |
|---|---|---|
| Jeff Blakely | X | |
| Todd Dry | X | |
| Judith Thomas | X | |
| Mary Gambino | X | |
| Robin Maibach | X | |

**Motion carried 5-0**

**New Business**

A request by Ahrens Companies, Park Avenue LLC, for the inclusion of a Phasing schedule to the originally approved Site Plan and the modification of the approved landscaping, all of which was approved on 12/01/04 under Resolution 54-12-04, for a mixed-use development located on a 1.694 acre parcel on the northwest corner of Park Avenue and 8th Street, within the Town's PADD zoning district.

Ms. Nadia DiTommaso, planner, identified herself for the record and stated that this was a request by One Park Place for a phasing schedule and modification to the original landscaping which was approved in December 2004. Ms. DiTommaso stated that this parcel is located on the northwest corner of Park Avenue and 8th Street and Mr. Gregory Celentano is here on behalf of Ahrens Companies. Ms. DiTommaso stated that phase I is the portion that is currently built consisting of 9,806 square feet of retail/office space, 1,250 square feet of restaurant space, 23,226 square feet of multi-family residential units and 1,318 square feet of storage/elevator/trash area. Ms. DiTommaso stated that phase II will have 9,806 square feet of retail/office, 1,250 square feet of restaurant, 20,998 square feet of multi-family residential units, and 1,317 square feet of storage/elevator/trash. Ms. DiTommaso further stated that most of the project details have remained the same.

Ms. DiTommaso stated that the applicant is proposing to minimize the overall landscaping in both height and quantity, and the new landscape proposal does meet minimum requirements that are outlined in the code. Ms. DiTommaso stated that Phase 1 will include all landscaping for the eastern portion of the property, with three (3) Washingtonians on each side of the eastern entry in lieu of two (2) plus the Phoenix Palms. The Staff Report is marked Exhibit "A" is made a part of these minutes.

Ms. DiTommaso stated that staff is recommending **approval** for the phasing as well as the modification to the landscaping with conditions that are listed in the staff report:

Condition No. 8 – All dumpsters shall be enclosed as noted on the site plan and the dumpster enclosure doors shall be kept shut at all times. The dumpster must be surrounded by a minimum three-foot (36") hedge at planting and a structural barrier;

Condition No. 10 – Prior to the issuance of any building permit, copies of all other required, unexpired permits from other agencies including but not limited to Palm Beach County Health Department, Palm Beach County Land Development Division, South Florida Water Management Division and the State of Florida Department of Environmental Protection must be provided to the Town. As of January 1, 2009 the new Florida Prevention Code for Palm Beach County Fire, will apply to all building permits that are submitted for review.

Condition No. 11 – All new construction permits for phase 2 will require an updated traffic letter from Palm Beach County.

Condition No. 12 – The central courtyard facing Park Avenue has been built using an alternate design that what was originally approved. The as-built design is reflected on sheet 204 of this

submittal. The 6' green chainlink fence is now being proposed as a 6' black chainlink on sheet 101. Appropriate building permits, revision pages, as well as final as-builts reflecting these changes will need to be submitted to the Community Development Department to properly account for this change.

Condition No. 13 – All outdoor storage and trash collection sites require a minimum three-foot (36") high hedge and a structural barrier.

Condition No. 14 – All new construction permits for phase 2, will require an updated traffic letter from Palm Beach County confirming the aforementioned.

Condition No. 15 – The phasing schedule reflects the square footage for Phase 1 and Phase 2.

Chairman Jeff Blakely stated that he had previously been the architect of record, but that he no longer has a relationship with the developer. Town Attorney, Tom Baird, advised Chairman Blakely that he could participate in the discussion, but should not vote on the motion.

Mr. Gregory Celentano, with the Ahrens Companies, identified himself for the record along with Ms. Toi Estes, also with the Ahrens Companies. Mr. Celentano stated that phase 1 has been built as the eastern portion and has been constructed in accordance with the original plans. Mr. Celentano stated that the people who park for the phase 1 facility have an enclosed secured parking lot, and that the dumpster had been moved from the western end to the new location. Mr. Celentano stated that when phase 2 is built the dumpster will be relocated back to the original location. Mr. Celentano further stated that they had added pavers to the south side of the building, breezeways and along the north side access walkway and would also be used on phase 2.

Mr. Celentano further stated that they went to code minimum for a lot of the material, and in the rear parking lot, they went from 16 foot Live Oaks to 12-14 foot Live Oaks. He further stated that three (3) Washingtonians on each side of the eastern entry in lieu of two (2) plus the Phoenix Palms. Mr. Celentano stated that along the front of the building the basic design is kept except for eliminating the Japanese Blueberries.

Mr. Celentano proceeded to go over the landscape plan with the board.

Ms. Gambino stated that her concern was when phase 2 was done, the landscape plants match because of the rate of growth. Mr. Celentano stated that the question was difficult to answer because it would depend on when phase 2 was completed. Mr. Celentano stated that the gates would be open during the day in response to Vice Chairman Todd Dry's question about a secure area from 7 a.m. to 11 p.m. Mr. Celentano also stated that the retention pond is dry unless there is a major storm.

Ms. Thomas asked how access would be obtained to the dumpster, and Mr. Celentano responded that the truck would pick up the dumpster and go out the gate on the other side of the development. Mr. Celentano stated that there were 20 residential units and 9,000 square foot of retail. Ms. Thomas stated that she had concern that not enough dumpster space had been allocated.

Mr. Patrick Sullivan, Community Development Director, stated that they would have to start construction within 18 months or else apply for an extension and could get up to 36 months extensions from the Town Commission. Mr. Sullivan also stated that there was no suggestion of a bond and a bond is not normally required. Ms. Thomas stated that in the past a building had been constructed on Park Avenue over three years ago, and still has not been finished. Mr. Sullivan stated that if phase 2 is not built, it would be reasonable to consider additional landscaping and make it more of a park like setting.

Chairman Blakely stated that he felt the basic integrity of the original design had been adhered to. Chairman Blakely further stated he felt the planting that separates the development from the residential homes should be continued.

Mr. Don Franklin of 328 Park Avenue, Lake Park, Florida, identified himself for the record and stated that he has a vested interest in the project, known as One Park Place. Mr. Franklin stated that he had many questions concerning the project and the phasing that is now being proposed.

Chairman Blakely stated that he would entertain a motion and that he would abstain from voting.

Ms. Judith Thomas made a motion for the approval of the phasing conditioned on what staff has included in their conditions but also that the landscaping in the rear of the property be continued along the western portion of the property to provide privacy and hedging in rear must be maintained at a minimum of 60". Seconded by Ms. Mary Gambino.

| | Aye | Nay |
|---|---|---|
| Todd Dry | X | |
| Judith Thomas | X | |
| Mary Gambino | X | |
| Robain Maibach | X | |

**Motion carried 4-0**

Ms. Mary Gambino made a motion to adjourn. Seconded by Vice Chairman Todd Dry. The meeting was adjourned at 7:45 p.m.

Approved 1/5/09

Attest: [signature]

[signature]
Jeff Blakely, Chairman

Exhibit "A"

LAKE PARK TOWN HALL NATIONAL HISTORIC SITE
"Jewel" of the Palm Beaches

**TOWN LAKE OF PARK**
**PLANNING & ZONING BOARD**
**Meeting Date: December 1, 2008**
**Date Prepared: November 17, 2008**

**PLAN DESCRIPTION:** Modification to approved Site Plan of 12/01/04 for the addition of a phasing schedule and modifications to the approved landscaping.

**APPLICANTS REQUEST:** A request by Mr. Gregory Celentano of Ahrens Companies ("Applicant") acting as agent for the property owner, Park Avenue L.L.C. ("Owner"), for the inclusion of a Phasing schedule to the originally approved Site Plan and the modification of the approved landscaping, all of which was approved on 12/01/04 under Resolution 54-12-04, for a mixed-use development ("Project"), located on a 1.694 acre parcel on the northwest corner of Park Avenue and 8th Street ("Site" or "Property"), within the Town's PADD zoning district.

**STAFF RECOMMENDATION: APPROVAL** of the Phasing Site Plan and landscape modifications subject to the conditions of approval as stated herein.

## BACKGROUND INFORMATION:

| | |
|---|---|
| Applicant(s): | Mr. Gregory Celentano of Ahrens Companies |
| Owner: | Park Avenue L.L.C. |
| Address of Location: | Northwest corner of Park Avenue and 8th Street |
| Lot Size: | 1.694 acres |
| Zoning and Land Use: | PADD/Downtown |

**Adjacent Zoning**

| | |
|---|---|
| North: | R1-A |
| South: | PADD |
| East: | PADD |
| West: | PADD |

**Adjacent Land Uses**

| | |
|---|---|
| North: | Residential Single-Family |
| South: | Office/Retail |
| East: | Office/Residential |
| West: | Office/Retail |

## CONSISTENCY OF SITE PLAN WITH THE COMPREHENSIVE PLAN

The proposed changes do not affect the overall intent of the goals, objectives and policies of the Town's Comprehensive Plan. The proposed use, parking allocations, and public facility capacity is not being modified. The proposed changes keep the Project consistent with the Comprehensive Plan, with the exception of:

### 4.0 Traffic Circulation

**Policy 2.2**: The Town shall review all the proposed development and coordinate and cooperate with the responsible agencies for these improvements to bring them into compliance with the level of service ("LOS") standards.

*The Applicant received documentation from Palm Beach County confirming that the proposed 7,616 SF General Retail, 7,616 SF General Office, 5,000 SF High Turn-over Restaurant, and 40 Multi-Family residential units satisfied Traffic Performance Standards (TPS) and met traffic concurrency requirements* ***when the project was originally approved****. Given the new phasing schedule AND revised square footage allocations, Phase 1 is vested under this approval (having 9,806 sf retail/office; 1,250 restaurant; 20 residential units at 23,226 sf),* ***prior to the first building permit being issued, an updated traffic letter from Palm Beach County confirming the aforementioned will be required for all new construction permits for Phase2.***

## PROJECT DETAILS:

**Building Site**: The Site is located in the PADD Zoning District with a Downtown land use which is suitable for a Mixed-Use development as was originally approved and is being modified to include the following square footages for each phase:

- Phase 1:
  - 9,806 sf (retail/office)
  - 1,250 sf (restaurant)
  - 23,226 sf (20 multi-family residential units)
  - 1,318 sf (storage/elevator/trash)
  - TOTAL of 51 parking spaces (inclusive of two handicap spaces)

- Phase 2:
  - 9,806 sf (retail/office)
  - 1,250 sf (restaurant)
  - 20,998 sf (20 multi-family residential units)
  - 1,317 sf (storage/elevator/trash)
  - 44 NEW parking spaces (inclusive of two handicap spaces for a total of 95 spaces for both phases combined)

**Site Access**: The Mixed-Use development is located on a 1.694 acre parcel on the northwest corner of 8th Street and Park Avenue. The site has two access points, one off of 8th Street for the proposed Phase 1 (as seen on the site plan), and another off of 9th Street for the proposed Phase 2.

**Traffic**: The Applicant received documentation from Palm Beach County confirming that the proposed 7,616 SF General Retail, 7,616 SF General Office, 5,000 SF High Turn-over Restaurant, and 40 Multi-Family residential units satisfied Traffic Performance Standards (TPS) and met traffic concurrency requirements **when the project was originally approved**. Given the new phasing schedule AND revised square footage allocations, Phase 1 is vested under this approval (having 9,806 sf retail/office; 1,250 restaurant; 20 residential units at 23,226 sf), ***prior to the first building permit being issued, an updated traffic letter from Palm Beach County confirming the aforementioned will be required for all new construction permits for Phase2.***

**Landscaping**: The new landscape architect of record is Mr. William Flint III. The Applicant is proposing to minimize the overall height and quantity of plantings, while still meeting the minimum code requirements for landscaping. The following modifications to the approved plans outline some of the changes (*Applicant will further elaborate on any additional changes not specified below*):

- Phase 1 will include all landscaping for the eastern portion of the property, with three (3) Washingtonians on each side of the eastern entry in lieu of two (2) plus the Phoenix Palms;
- Until Phase 2 is built, the vacant western portion of the site will be Hydro seeded and include a 30" cocoplum hedge at planting, around the southern and western perimeters. Existing perimeter trees are to remain as is shown on sheet 203;
- Overall landscaping along Park Avenue is minimized is size and quantity, but still provides adequate buffering and will compliment the recent landscape modifications along Park Avenue that have just been completed by the Town;
- The temporary location of the dumpster at the center-point of the site, behind the courtyard on the north side, is proposed to be screened with a 30" cocoplum hedge at planting. This is NOT adequate. **All outdoor storage and trash collection sites require a minimum three-foot (36") high hedge AND a structural barrier**. Although this is illustrated as a "temporary" location, staff requires that code requirements for dumpsters be met. **The dumpster must be surrounded by a minimum three-foot (36") hedge at planting AND a structural barrier**;
- Courtyard landscaping is minimized and some changes include → 8 heads of Paurotis Palm Clusters instead of 15; 48 Wax Jasmines instead of 48 with four 16' royal palms around each landscape bed; 14 Ilex Cornuta instead of 20 at the front;
- Detention area landscaping is minimized and some changes include → 5 Hibiscus Florida Sunset instead of 12 Florida Sunset and 12 Single Yellow and 12 June Carol; three 10' Cabbage Palm trees instead of White Orchid, Slash Pine, Sunshine Mimosa, and Geiger trees just to name a few;

All perimeter buffering is provided as required by the Code. Any remaining minimum maintenance height of landscaping is to be recommended by the Board. Applicant will elaborate on all other changes.

**Drainage**: The Applicant is not proposing any changes to the drainage. **Prior to the issuance of all future construction building permits for Phase 2, the Applicant must provide up-to-date copies of all required agency permits, including, but not limited to, permits from the South Florida Water Management District**. The Town's civil engineer for this Project previously reviewed and approved all engineering plans and all code and Florida Building Code requirements.

**Parking**: The Applicant is not modifying the approved parking spaces. Fifty-one (51) spaces will remain in Phase 1 (inclusive of two handicap spaces), and forty-nine (49) spaces will be part of the proposed Phase 2 (inclusive of two handicap spaces).

**Signage:** Additional freestanding and/or monument signage will be reviewed at the time of building permit review.

**Zoning:** The zoning for the Site is PADD and it is consistent with the Comprehensive Plan.

**Water/Sewer:** No changes affecting water/sewer are being proposed. The Town's civil engineer for this Project previously reviewed and ascertained that there is sufficient available capacity to sustain the levels of service for potable water and for wastewater treatment set forth in the Town's comprehensive plan.

**Design:** No modifications are being proposed to the overall building design with the exception of the central courtyard facing Park Avenue, which has been built using an alternate design than what was approved. The as-built design is reflected on proposed sheet 204 of this submittal. **A revision page, as well as final as-builts reflecting the changes will need to be submitted to the Community Development Department.** Finally, the Applicant has also added pavers around the entire building, including steps and handicap ramps, and changed the 6' green chainlink to a 6' black chainlink fence along the back side of the property facing Greenbriar Drive. **Appropriate permits and revision pages are also required for these changes.**

**STAFF COMMENTS:**

Staff recommends **APPROVAL** of the Phasing Site Plans and Landscape Plans as revised, subject to the following conditions:

1. Construction shall be allowed only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday only, unless otherwise approved by the Community Development Director.

2. Any disturbance of the public right of way along Park Avenue, 8th Street, 7th Street, or Greenbriar Drive shall require review and written approval from both the Public Works and Community Development Departments prior to any construction.
3. Any disruption to any of the nearby entrance/exit and parking areas along Park Avenue, 8th Street, 7th Street, or Greenbriar Drive shall require prior written approval from the Community Development Director.
4. Any disruption beyond the boundaries of the Site shall require the contractor to employ commonly accepted practices that ensures the safety and well being of the general public.
5. All approved landscaping shall be properly maintained. Plant height at the time of plant installation and plant maintenance height is reflected in the approved landscape plans stated in Condition #13. The Owner shall provide a minimum three-month replacement warranty for all new landscape material, with the warranty to commence on the date of the issuance of the final Certificate of Occupancy. The Owner is responsible for replacing any and all dead or dying landscape material on the Property and otherwise comply with the requirements of the Town Code pertaining to landscaping and property maintenance, failing which the owner and/or any tenant(s) of the Property shall be subject to code enforcement action by the Town to ensure compliance with these conditions of approval and the requirements of the Town Code.
6. Safe and adequate pedestrian passage in front of the construction site along Park Avenue, 8th Street, 7th Street, or Greenbriar Drive shall be maintained at all times.
7. The Owner shall ensure that any and all contractor(s) and their agents and employees working on the Property use commonly accepted practices to reduce airborne dust and particulates during all construction phases.
8. All dumpsters shall be enclosed as noted on the Site Plan and the dumpster enclosure doors shall be kept shut at all times. **The dumpster must be surrounded by a minimum three-foot (36") hedge at planting AND a structural barrier**;
9. Prior to the issuance of the Certificate of Occupancy, the Applicant shall provide certification from the Landscape Architect of record that the plant installations on Site are in accordance with the plans approved by the Town Commission.
10. Prior to the issuance of any building permit, copies of all other required, unexpired permits from other agencies including but not limited to Palm Beach County Health Department, Palm Beach County Land Development Division, South Florida Water Management Division and the State of Florida Department of Environmental Protection must be provided to the Town. As of January 1, 2009 the new Florida Prevention Code for Palm Beach County Fire, will apply to all building permits that are submitted for review.

11. The Applicant received documentation from Palm Beach County confirming that the proposed 7,616 SF General Retail, 7,616 SF General Office, 5,000 SF High Turn-over Restaurant, and 40 Multi-Family residential units satisfied Traffic Performance Standards (TPS) and met traffic concurrency requirements **when the**

**project was originally approved**. Given the new phasing schedule AND revised square footage allocations, Phase 1 is vested under this approval (having 9,806 sf retail/office; 1,250 restaurant; 20 residential units at 23,226 sf), although **all new construction permits for Phase 2, will require an updated traffic letter from Palm Beach County confirming the aforementioned**.

12. The central courtyard facing Park Avenue has been built using an alternate design than what was originally approved. The as-built design is reflected on sheet 204 of this submittal. The 6' green chainlink fence is now being proposed as a 6' black chainlink on sheet 101. **Appropriate building permits, revision pages, as well as final as-builts reflecting these changes will need to be submitted to the Community Development Department to properly account for this change.**

13. **All outdoor storage and trash collection sites require a minimum three-foot (36") high hedge AND a structural barrier**.

14. **All new construction permits for Phase 2, will require an updated traffic letter from Palm Beach County confirming the aforementioned**.

15. **The Phasing schedule reflects the following square footage allocations**:

    - Phase 1:
        - 9,806 sf (retail/office)
        - 1,250 sf (restaurant)
        - 23,226 sf (20 multi-family residential units)
        - 1,318 sf (storage/elevator/trash)
        - TOTAL of 51 parking spaces (inclusive of two handicap spaces)

    - Phase 2:
        - 9,806 sf (retail/office)
        - 1,250 sf (restaurant)
        - 20,998 sf (20 multi-family residential units)
        - 1,317 sf (storage/elevator/trash)
        - 44 NEW parking spaces (inclusive of two handicap spaces for a total of 95 spaces for both phases combined)

16. The Mixed-Use development shall be constructed in compliance with the original, approved Architectural Elevations, Engineering plans and Irrigation plan on file with the Community Development Department, and shall include the following revised site plans and landscape plans as noted below:
    a. Site Plan referenced as sheet 101 and 102 respectively, dated 11-14-08 prepared by Mr. Don Boitnott, who is the Architect of record, received and dated by the Department of Community Development on 11-14-08.
    b. Landscape plans referenced as sheets 201 through 209 and prepared by Mr. William A. Flint II who is the landscape architect of record 11-14-08.

17. Any revisions to the site plan, landscape plan, architectural elevations, signs, statement of use, or other detail submitted as part of the Application, including, but not limited to, the location of the proposed improvements or additional, revised, or deleted colors, materials, or structures, shall be submitted to the Community Development Department and shall be subject to its review and approval, unless the Town Code or a condition of approval requires Town Commission approval.
18. The Owner or authorized agent shall initiate the bona fide and continuous development of **PHASE 2** of the property within 18 months from the effective date of development approval. Such development shall be completed within 18 months from the effective date of initiation of development as defined herein; unless there is a grant of extension as otherwise provided for in the Town of Lake Park Code Section 67-42 *Expiration of development approvals*.
19. Cost Recovery. All fees and costs incurred by the Town in reviewing the Project and billed to the Applicant shall be paid to the Town within 10 days of receipt of an invoice from the Town. Failure by an Applicant to reimburse the Town within 10 days may result in the revocation of all previously issued development orders for the project and/or the cessation of the review of the Application until the Town is fully reimbursed.

20. Within ninety (90) days of the effective date of the Resolution, the Applicant or Owner shall submit revised Development Plans to include the items as conditions. The Development Plans may be approved administratively by staff provided that: (1) all conditions are included on the Development Plans to the satisfaction of the Community Development Director, and (2) any exterior building modification(s) are architecturally consistent with the approved buildings. Should any of the aforesaid not be adequately satisfied, the revised Development Plans shall be reviewed and approved by the Town Commission as an amendment to the Site Plan. No building or land clearing permits shall be issued until the revised plans have been approved.