TOWN OF LAKE PARK
PLANNING & ZONING BOARD MEETING
AGENDA
SEPTEMBER 12, 2013
6:00 P.M.
535 PARK AVENUE
LAKE PARK, FLORIDA

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 (561) 881-3311 at least 48 hours in advance to request accommodations.*

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

Chair Judith Thomas	☐
James Lloyd	☐
Michele Dubois	☐
Thomas J. Baird, Board Attorney	☐
Nadia Di Tommaso, Community Development Director	☐
Debbie Abraham, Planner	☐
Kimberly Rowley, Board Secretary	☐

APPROVAL OF AGENDA

APPROVAL OF MINUTES

- Planning & Zoning Board Meeting Minutes of August 5, 2013

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. Cards must be submitted before the agenda item is discussed.

ORDER OF BUSINESS

The normal order of business for Hearings on agenda items is as follows:

- Staff presentation
- Applicant presentation (when applicable)
- Board Member questions of Staff and Applicant
- Public comments – 3 minute limit per speaker
- Rebuttal or closing arguments for quasi-judicial items
- Motion on floor
- Vote of Board

NEW BUSINESS

A. **SPECIAL EXCEPTION APPLICATION BY OFFLEASE AUTOMART TO OPERATE A VEHICLE SALES WITH AN ACCESSORY REPAIR SHOP ESTABLISHMENT AT 1301 10TH STREET**

COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

ADJOURNMENT

TOWN OF LAKE PARK
PLANNING & ZONING BOARD
MEETING MINUTES
AUGUST 5, 2013

CALL TO ORDER

The Planning & Zoning Board Meeting was called to order by Chair Judith Thomas at 7:31 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Chair Judith Thomas	Present
Vice-Chair Natalie Schneider	Present
James Lloyd	Present
Michele Dubois, 1st Alternate	Present

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

APPROVAL OF AGENDA

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

	Aye	Nay
Judith Thomas	X	
Natalie Schneider	X	
James Lloyd	X	
Michele Dubois	X	

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

APPROVAL OF MINUTES

Chair Thomas requested a motion for the approval of the Minutes of the June 3, 2013, Planning & Zoning Board Meeting as submitted. Board Member Lloyd made a motion to approve the Minutes. The motion was seconded by Vice-Chair Schneider, and the vote was as follows:

	Aye	Nay
Judith Thomas	X	
Natalie Schneider	X	
James Lloyd	X	
Michele Dubois	X	

The Motion carried 4-0 and the Minutes of the June 3, 2013, Planning & Zoning Board Meeting were unanimously approved as submitted.

PUBLIC COMMENTS

Chair Thomas explained the Public Comment procedure, and stated that there was one Public Comment Card submitted regarding Agenda Item "A".

ORDER OF BUSINESS

Chair Thomas outlined the Order of Business.

NEW BUSINESS

A. **<u>TEXT AMENDMENT:</u> TO SECTION 78-111 OF THE TOWN OF LAKE PARK CODE OF ORDINANCES TO INCREASE THE FENCE HEIGHT REQUIREMENT FOR MULTI-FAMILY STRUCTURES WITH PARKING LOTS FACING THE STREET**

STAFF PRESENTATION

Nadia DiTommaso, Community Development Director, addressed the Board and stated that a problem was found in the Code which needs to be addressed regarding the fence and wall height requirements for multi-family structures. Ms. DiTommaso explained the Code currently includes regulations for fences and walls in both residential and commercial areas, and that multi-family structures are located within the 'residential' district area regulations. The fence and wall regulations limit the height of front yard fences in residential districts to 40 inches, plus an additional 6 inches allowed for decorative caps, for a total of 46 inches. While these Regulations are suitable for single-family and duplex lots, and possibly suitable for two-story or three-story multi-family structures which are newly developed or developed with interior parking areas, the Regulations are not appropriate for higher intensity (more than three-story) multi-family buildings with parking areas facing the street. Ms. DiTommaso stated that generally these types of multi-family buildings require front yard security, which is accomplished through a combination of landscaping with a fence and a gate.

Ms. DiTommaso explained that several condominium buildings, specifically along Lake Shore Drive, are more than three stories and currently have five or six foot high fences with gates which were permitted long ago, however, throughout time, the regulations have been modified and recently came to Staff's attention while reviewing the fence regulations in

Section 78-111. The Text Amendment recommended by Staff would provide for a commonly accepted security practice for condominium buildings along Lake Shore Drive which are designed with parking areas adjacent to the street, whereby a combination fence and gate at a maximum height of six feet is common practice. Consequently, Staff is recommending a modification to the Town's Code of Ordinances to Section 78-111 to provide for an increased fence height limitation for multi-family residential structures with parking areas facing the street to read as follows:

> *Multi-family buildings with parking areas facing the street shall have a maximum height of six feet and shall be set back a minimum of three feet or sufficiently to include a landscaped strip between the fence and the street right-of-way line.*

STAFF RECOMMENDATION

Ms. DiTommaso stated that Staff recommends the Planning & Zoning Board provide a recommendation of Approval to the Town Commission for a Text Amendment to Code Section 78-111 to provide for an increased fence height limitation for multi-family residential structures with parking areas facing the street.

PUBLIC COMMENT

Bill Holl, a resident of Lake Harbor Towers at 401 Lake Shore Drive, addressed the Board. Mr. Holl stated that the fences at 301 Lake Shore Drive, 501 Lake Shore Drive, 801 Lake Shore Drive and Mariner's Key are all currently the same height, and that Lake Harbor Towers at 401 Lake Shore Drive is requesting that they be able to join their neighbors in a cosmetic sense. Mr. Holl stated that Lake Harbor Towers has also experienced problems with the patrons of events being held at Kelsey Park entering onto their private property in order to park for free in their parking lot. Mr. Holl further stated that the installation of a fence and gate at 401 Lake Shore Drive would help to enhance the area and improve property values, thus benefitting the Town. Mr. Holl stated that he would appreciate the consideration of the Board in favor of the Text Amendment.

PLANNING & ZONING BOARD MEMBER COMMENTS

Vice-Chair Schneider commented that the Staff Report states "*these Regulations are suitable for single-family and duplex lots, and also potentially suitable for two or three-story multi-family structures*" but multi-family buildings within the Code does not state that, so technically any multi-family structure, whether it is a 1-story or 2-story, would be allowed to have a 6 foot fence, and therefore, the analysis actually does not fit the language. Ms. DiTommaso stated that when the analysis was done it was specific to multi-family buildings that are higher than 3 stories, and now this is an opportunity to add to the language: *multi-family buildings with more than 3 stories with parking areas facing the street.*

PLANNING & ZONING BOARD RECOMMENDATION

There being no further discussion, Chair Thomas requested a motion from the Board. Vice-Chair Schneider made a motion to provide a recommendation of approval to the Town Commission for a Text Amendment to Code Section 78-111, with amended language to include *multi-family buildings, greater than 3 stories with parking areas facing the street.* The motion was seconded by Board Member Lloyd and the vote was as follows:

	Aye	Nay
Judith Thomas	X	
Natalie Schneider	X	
James Lloyd	X	
Michele Dubois	X	

The vote was 4-0 and the Motion was unanimously approved.

B. **<u>TEXT AMENDMENT</u>: TO SECTION 78-184 OF THE TOWN OF LAKE PARK CODE OF ORDINANCES TO ADD NOTICING AND SUBMITTAL DOCUMENT REQUIREMENTS FOR SPECIAL EXCEPTION USE APPLICATIONS**

STAFF PRESENTATION

Nadia DiTommaso, Community Development Director, addressed the Planning & Zoning Board and stated that Staff and the Town Commission have previously discussed at several public meetings the Town Code's noticing requirements, or lack thereof, pertaining to Special Exception Use applications. Ms. DiTommaso explained that Code Section 55-64 requires a certified mail notice, referred to as a "courtesy" notice, to all property owners within 300 feet of a proposed development application, advising of the date and time of the Public Hearing to consider the application. Staff previously determined that the noticing provision does not necessarily apply to special exception use applications, since development applications are specifically referenced in the site plan criteria of the land development section of the Code. Ms. DiTommaso further explained that Code Section 78-184, entitled "*Criteria for Special Exception*", does not require a certified mail notice to property owners within 300 feet of a proposed special exception use and that, because of their nature, special exception use applications often impact properties within 300 feet of the use being proposed to an even greater extent than a permitted use. Therefore, it would be appropriate to require a courtesy notice to all property owners within 300 feet of a proposed special exception use, and in order to do so, it is necessary to extend the requirements of Section 55-64 relating to development applications for site plans to Section 78-184 for special exception use applications.

Ms. DiTommaso stated that Staff is proposing that Section 78-184 *Criteria for Special Exception* be amended to include procedural requirements, submittal requirements, noticing requirements and the various subsections as listed in the agenda item for Section 78-184. (listed below for reference). The various components include a certified mail courtesy notice requirement to all property owners within 300 feet, a site plan and aerial photograph, any additional documentation which is relevant to the proposed use, and a detailed description of the process of the Planning & Zoning Board and Town Commission.

FOR REFERENCE ONLY:

Section 78-184. Criteria for Special Exception.

(A) Submittal Requirements

(1) Existing conditions and Proposed activities.

(a) In accordance with Section 67-38 of the Code, the applicant shall submit a location map identifying the area of the proposed application, which also shows the area within 300 feet of the subject property and a Site Plan. The Site Plan shall be inclusive of both interior and exterior activity notations. The Site Plan shall identify all proposed uses and provide square footage information, and required parking calculations. Additional criteria may be required by the Community Development Director depending upon the type of use proposed.

(b) Aerial photographs of the subject property and abutting properties showing existing structures, terrain and vegetation as viewed from all lot lines and street lines of the application property. The photographs shall be clearly dated and labeled as to the location and direction from which the photographs were taken. The use of digital photography is preferred, in which case a disk containing those digital photographs shall also be provided.

~~(a)~~ (2). A special exception use shall not be approved unless an applicant establishes that all of the following criteria are met:

~~1~~ (a) The proposed special exception use is consistent with the goals, objectives, and policies of the Town's Comprehensive Plan.

~~2~~ (b) The proposed special exception is consistent with the land development and zoning regulations and all other portions of this Code.

~~3~~ (c) The proposed special exception use is compatible with the character and use (existing and future) of the surrounding properties in its function; hours of operation; type and amount of traffic to be generated; building location, mass, height and setback; and other relevant factors peculiar to the proposed special exception use and the surrounding property.

4 (d) The establishment of the proposed special exception use in the identified location does not create a concentration or proliferation of the same or similar type of special exception use, which may be deemed detrimental to the development or redevelopment of the area in which the special exception use is proposed to be developed.

~~5~~ (e) The proposed special exception use does not have a detrimental impact on surrounding properties based on:

a. The number of persons anticipated to be using, residing, or working on the property as a result of the special exception use;

b. The degree of noise, odor, visual, or other potential nuisance factors generated by the special exception use; and

c. The effect on the amount and flow of traffic within the vicinity of the proposed special exception use.

~~6~~(f) That the proposed special exception use:

a. Does not significantly reduce light and air to adjacent properties.

b. Does not adversely affect property values in adjacent areas.

c. Would not be a deterrent to the improvement, development or redevelopment of surrounding properties in accord with existing regulations.

d. Does not negatively impact adjacent natural systems or public facilities, including parks and open spaces.

e. Provides pedestrian amenities, including, but not limited to, benches, trash receptacles, and/or bicycle parking.

(B) Procedural requirements for special exception use applications.

1. Applicants for special exception uses shall submit a site plan and Statement of Use regarding the special exception use in accordance with the procedures of Section 67-37 of the Code. Once the Community Development Department determines that a special exception use application and the accompanying site

plan are complete, it shall prepare a Staff Report evaluating the anticipated impacts of the proposed special exception use. Thereafter, the Community Development Department shall schedule and require the applicant to provide a courtesy notice pursuant to Section 55-64 of the Code for a public hearing for the Planning and Zoning Board's and the Commission's consideration of the proposed special exception use and site plan.

2. The Planning and Zoning Board shall conduct a public hearing to consider the proposed special exception use, and shall receive any public comments, testimony and information from the Town Staff, any affected third parties, and the public . At the conclusion of the hearing, the Planning and Zoning Board shall make a recommendation to the Town Commission.

3. Within a reasonable time after the Planning and Zoning Board meeting, and in accordance with the notice requirements of Section 55-64 of the Code and F.S. § 166.041, theTown Commission shall notice a hearing and hold a quasi judicial public hearing to consider the proposed special exception use and acoompanying site plan in accordance with the procedures set forth in section 2-2 of this Code.

(C) Notice requirements.

1. Courtesy mail notice required. At the applicant's expense, a courtesy notice of the proposed special exception use and site plan shall be mailed by the town return receipt requested to the owners of record of properties within a radius of 300 feet of the property which is the subject of the application, at least ten days prior to the Planning and Zoning Board meeting and shall include the date of the Town Commision meeting. The notice shall state the date, time and place of the Planning and Zoning Board and Commission meetings, the name of the owner of the property, the name of the project and/or applicant, and a general written description of the request and the location, or specific street address of the property. Failure to receive such notice, however, shall not affect any action or proceeding taken thereon, nor is it intended to supplement the required notice provisions of state law for due process or any other purposes. A copy of the notice shall be retained for public inspection during the regular business hours of the Town Clerk's office.

2. Newspaper notice. Notice of the meetings wherein the proposed special exception use and site plan will
be considered shall be published in a newspaper of general circulation in the Town at least ten days prior to the Planning and Zoning Board and Town Commission meetings. The notice of the proposed public meetings wherein the special exception use application and site plan will be considered shall state the date, time, and place of the meetings and general description of the special exception being proposed, as well as the place or places within the Town where the proposed special exception use application and site plan may be inspected by the public. The notice shall also advise that interested parties may appear at the

meeting and be heard with respect to the proposed special exception use and site plan application.

~~(b)~~ (D)

Should the Town Commission determine that the proposed special exception use is not consistent with the criteria outlined hereinabove, it may either deny the application or impose such conditions of approval as it deems necessary to mitigate the adverse impacts of the proposed special exception use. The condition of approval may require the applicant to exceed the minimum zoning or land development regulations established by this Code. Conditions of approval may include, but are not limited to, the following:

(1)

Limit the manner in which the use is conducted, including restricting the time an activity may take place and/or restraints to minimize such effects as noise, vibration, air pollution, glare and/or odor.

(2)

Establish a special setback, open space requirement, and/or lot area or dimension.

(3)

Limit the height, size, and/or location of a building or other structure.

(4)

Designate the size, number, location and/or nature of access points (vehicle and pedestrian).

(5)

Designate the size, location, screening, drainage, type of surfacing material and/or other improvement of a parking and/or loading area.

(6)

Limit or otherwise designate the number, size, location, height and/or lighting of signs.

(7)

Require the use of, and designate the size, height, location and/or materials for berming, screening, landscaping and/or other facilities to protect and/or buffer adjacent or nearby property, including designating standards for installation and/or maintenance of the facilities.

(8)

Require the protection and/or relocation of additional trees, vegetation, water resources, wildlife habitat and/or other appropriate natural resources.

(9)

Require specific architectural details and/or design that produces a physical development which is compatible in appearance with the uses permitted by right in the zoning district.

(10)

Specify other conditions of approval to permit development of the special exception use in conformity with the intent and purpose of this Code and the Town's Comprehensive Plan.

~~(e)~~(E)

Violation of any conditions, when made a part of the terms under which the special exception use is approved, shall be deemed a violation of this chapter subject to enforcement under the provisions of this Code.

STAFF RECOMMENDATION

Ms. DiTommaso stated that Staff is recommending approval of a Text Amendments to Code Section 78-184 and is proposing that the Planning & Zoning Board recommend approval to the Town Commission.

BOARD MEMBER COMMENTS

There were no public comments on this subject matter. Chair Thomas asked if the Applicant is required to pay any additional costs associated with the courtesy notices and the manner in which the Applicant would be billed. Ms. DiTommaso explained that the Applicant would be responsible for the additional costs, and the Applicant is required to pay an application fee, as well as a minimum escrow fee of $800. The costs for the courtesy notices would be taken out of the escrow account, and any excess amount in escrow which is not utilized is reimbursed to the Applicant.

PLANNING & ZONING BOARD RECOMMENDATION

There being no further comments, Chair Thomas called for a motion for approval of Staff's recommendation of the Text Amendment to Code Section 78-184, adding Noticing and Submittal Requirements for Special Exception Use Applications. Vice-Chair Schneider made a motion to approve, and the motion was seconded by Board Member Dubois. The vote was as follows:

	Aye	Nay
Judith Thomas	X	
Natalie Schneider	X	
James Lloyd	X	
Michele Dubois	X	

The vote was 4-0 and the Motion was unanimously approved.

C. **<u>TEXT AMENDMENT</u>: TO SECTION 78-144 OF THE TOWN OF LAKE PARK CODE OF ORDINANCES TO CREATE JOINT ACCESS AND CROSS ACCESS PROVISIONS IN THE CODE**

STAFF PRESENTATION

Nadia DiTommaso addressed the Board and stated that Staff has participated in conversations with private property owners over the past few months relating to their parking lots, driveway connections and overall access to their properties. Ms. DiTommaso showed a visual illustrating the Town's Commercial Zoning Districts on the Town's Zoning Map, including Commercial-1 (C-1); Commercial 1B (C-1B); Commercial-2 (C-2); Commercial-3 (C-3); Commercial-4 (C-4); Campus Light Industrial and Commercial (CLIC) and Park Avenue Downtown District (PADD). Ms. DiTommaso stated that Policy 8.2 of the Town's Comprehensive Plan's Traffic Circulation Element promotes cross access and shared access (joint access) and states the following: *<u>Policy 8.2</u>: At the time of redevelopment and through cross-access and shared access agreements, the Town shall discourage excessive curb cuts including the control of connections and access points of driveways and roads to roadways on arterial and major collector streets within the confines of the Town's roadway network.*

Ms. DiTommaso explained that joint access and cross access are methods for allowing adjacent properties to share driveways, drive aisles, and parking lot facilities, and that joint access allows two adjacent property owners to share a driveway along their common property line. Cross access allows traffic to move between adjacent properties without re-entering the public roadway. Ms. DiTommaso further explained that joint access and cross access are important since the majority of the Town's commercial structures were built in the early 1960's and 1970's and, while some of these commercial structures have been renovated, many of these commercial structures were built on lots that do not meet the Town's current Land Development Regulations, and consequently, the majority of the existing parking lots, and the number of available parking spaces, drive aisles and driveways for commercial properties in the Town are non-conforming. Ms. DiTommaso stated that the businesses and the Town would be better served if these businesses, on separate lots, were operated in conjunction with their neighboring lots.

Ms. DiTommaso explained that the changes proposed by Staff will provide an alternative method to property owners to meet the access, parking and circulation requirements of the Code, and the property owner will ultimately have two (2) Options:

(1) Utilize, build, renovate or expand upon their properties such that they meet the existing land development regulations, including those for

parking, drive aisles, service drives and access points as required by Code. *(This Option is currently in place in the Town Code)*

OR

(2) Utilize, build, renovate or expand upon their private property through the sharing of parking spaces, drive aisles, service drives and all relevant access points using the provisions proposed as part of this agenda item. This would require property owners to agree to cross and joint access easements.

Ms. DiTommaso stated that property owners should be encouraged and incentivized to select Option (2), since cross access will enhance a property's development opportunities, improve roadways, pedestrian and bicycle safety, and reduce congestion.

Ms. DiTommaso stated that Staff is recommending a Text Amendment to Section 78-144 of the Town of Lake Park Code of Ordinances to include *SubSection (f)JointAccess/Cross Access,* which defines joint access and provides for joint access and cross access as alternative methods, and also provides for the procedural requirements which are required as a part of joint access and cross access, as well as an opportunity to reduce the parking spaces by 50%, assuming that joint access and cross access agreements are executed.

FOR REFERENCE ONLY:

Section 78-144 – Access to rights-of-way

(f) *Joint Access/Cross Access*

(1)

In order to provide for an alternative method to ensure the safe and efficient movement of traffic along public roadways and to comply with the minimum parking standards for properties fronting on public streets in the Town's commercial zoning districts shall, whenever feasible, execute joint and cross access easements to share access points or driveways, drive aisles, service drives, and parking, to provide for cross and joint access between the businesses located thereon. Property owners who agree to execute joint and cross access easements and/or parking agreements may be entitled to a reduction of the number of required parking spaces upon their

respective properties by up to 50% provided a shared parking study which demonstrates that the parking demand for the properties subject to the cross access and/or parking agreements can be met. The parking demand study shall be subject to the review and approval of the Community Development Director. The study shall:

i. List the legal names of the property owners, each size and type of activity, the uses on the properties and their rate of turnover; and the anticipated peak parking and traffic loads to be encountered;

ii. An executed cross and joint access easement agreement between the property owners.

iii. Be approved by the Community Development Director in consultation with the Town's Engineer, as needed, based on feasibility of the land uses to shared parking due to their particular peak parking and trip generation characteristics

(2) Any property owner who proposes the expansion of an existing business, or an application for the development of a new or different use, or the redevelopment of a property, shall design the site to allow for vehicular circulation through a cross access and joint access easement agreement which defines the shared access points or driveway, drive aisles, and service drives such that the property can be connected to the adjoining commercially-zoned properties, unless the property owner is able to connect to the public roadway and allow for adequate parking and vehicular circulation onsite pursuant to the code requirements.

(3)All commercially-zoned properties with frontage on public streets shall be subject to the access to rights-of-way regulations in Section 78-144 of the Code. This system can be supplemented by the execution of cross and joint access easement agreements between properties with frontage on commercial access streets as shown in Figure 78-144-1. A unified joint and cross access circulation system plan is encouraged whenever feasible and shall include the following:

(i) A continuous cross access drive extending the entire length of each block served to provide for driveway separation consistent with the access to rights-of-way system in Section 78-144 and standards;

(ii) A design speed respective of the individual vehicular drive aisles and sufficient width to accommodate two-way travel aisles designed to accommodate automobiles, service vehicles, and loading vehicles;

(iii) Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide joint access points, consistent with the visibility triangle requirements and landscape requirements as set forth in the Town Code;

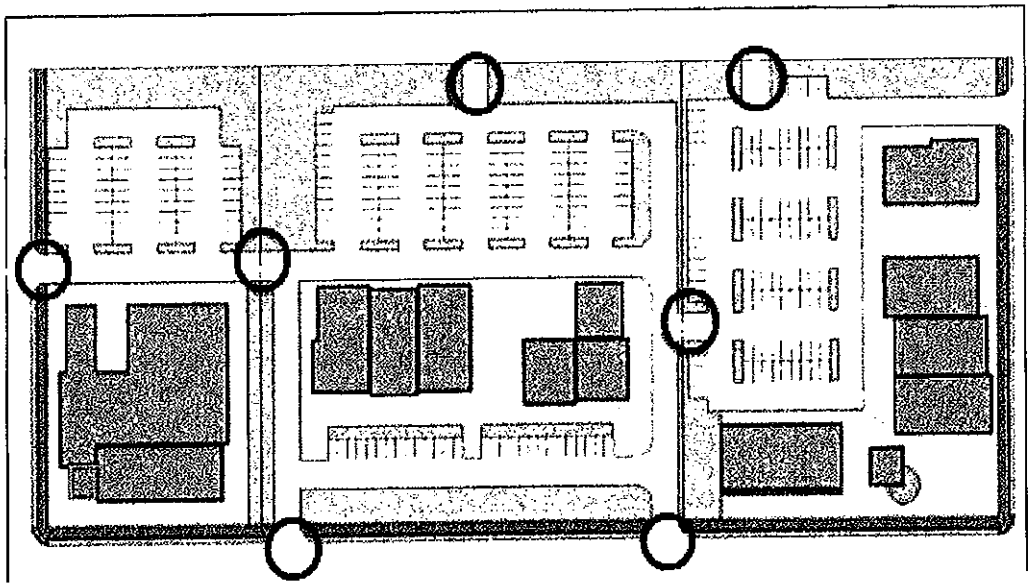


Figure 78-144-1: Cross-access between parking areas and adjoining developments. Joint access through the utilization of common driveways between developments.

(4) Pursuant to this section, property owners shall :

i. Record an easement agreement allowing cross and joint access to and from other properties served by the joint use driveways and cross access drive aisles between parking areas and adjoining developments, which shall include the maintenance responsibilities of each party;

ii. For reconstruction or development projects which utilize the cross and joint access alternative, provide that remaining access rights along the roadway will be dedicated to the Town and pre-existing driveways will be closed and eliminated after the construction , modification, or retention of each pre-existing side of the joint use driveway. is complete.

STAFF RECOMMENDATION

Ms. DiTommaso stated that Staff recommends approval of the proposed Text Amendment to Section 78-144 of the Town Code.

BOARD MEMBER COMMENTS

There were no public comments on this subject matter and discussion was opened up to the Board. Vice-Chair Schneider commented that the Board was anticipating that this language would be brought forward at some point because of the amount of non-conforming lots in Lake Park, and most of the time there will not be a complete tear down of the building in an attempt to rebuild and conform, and she believes this is a great ordinance to be brought forward. Vice-Chair Schneider stated that there are a couple of items in the language that she will provide to Staff after the meeting, but they are nothing of substance. Chair Thomas asked what will happen now that we have a situation where a property owner has walled off their property that is adjacent or contiguous and we have an ordinance that is now being proposed. The Town Attorney stated that the Ordinance cannot be applied retroactively but the Ordinance expects that the property owners will cooperate to their mutual benefit by entering into cross access agreements. However, property owners have their rights to their property and so the Town cannot compel them. The Town Attorney referred to a situation which occurred many years ago where it was assumed that when the Park Avenue improvements were put into place that there would be cross access agreements executed by property owners, but that never occurred and there was no provision written into the Code that would compel it at that time, so with respect to the existing situation, unless or until the two property owners can agree to cooperate with respect to access, or unless one of the property changes hands and a more cooperative owner owns the property, then the situation will remain as it is. Chair Thomas asked if the provisions could be stronger in the redevelopment areas, i.e. the Park Avenue redevelopment area, where the intent is to revitalize the property and to generate a pedestrian-oriented movement, could there be some type of strong arm put into place for the purpose of encouraging pedestrian oriented traffic. The Town Attorney pointed out that Section 2 does address the redevelopment of sites and

provides for an incentive to property owners in those circumstances, for example, if they cooperate, they may receive a reduction on the number of parking spaces required by the Town. Chair Thomas asked if once an agreement is established and the property is sold, would the agreement then be revoked. The Town Attorney said the agreement would not be revoked, but that there will be recorded easements which will bind the successors and assigns of the properties, so that the prospective property owner, before the property changes hands, will know that they are subject to that encumbrance on the property, and if the encumbrance is not tolerable, then they would have the option of not purchasing the property. Ms. DiTommaso stated that Subsection 4(i) addresses the recording of easements and the requirements for property owners. The Town Attorney stated that all legally binding easements must be recorded. Chair Thomas questioned what would happen if there is an agreement and a new use comes into that building which would generate more activity than what was approved initially, and there is an agreement of a 50% reduction of the parking spaces with the shared uses, what provision would then be utilized to ensure that the site has adequate parking. Ms. DiTommaso stated that if a property is under a cross across/joint access agreement and does utilize the reduction of parking spaces provision, whether it is a 30%, 40% or 50% reduction, the agreement requires a shared parking study which would delineate the various uses that were taken into account as a part of the parking reduction. Staff would refer to the Study if a higher intensity use is proposed and determine if per the Parking Code additional spaces are required, and then the shared parking study would need to be up-dated to ensure that the reduction in parking spaces that was previously provided would still meet the requirement for the newly proposed use. Ms. DiTommaso noted that Staff reviews, as a matter of routine, the parking scenario for every new use being proposed as a part of the Zoning Certificate process.

PLANNING & ZONING BOARD RECOMMENDATION

There being no further discussion, Chair Thomas asked for a motion of approval of Staff's recommendation for the proposed Text Amendment to Section 78-144 of the Town Code for the creation of a joint access/cross access provision. Member Lloyd made the motion and the motion was seconded by Board Member Schneider. The vote was as follows:

	Aye	Nay
Judith Thomas	X	
Natalie Schneider	X	
James Lloyd	X	
Michele Dubois	X	

The vote was 4-0 and the Motion was unanimously approved.

COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

The Community Development Director announced that due to the Labor Day Holiday on Monday, September 2, 2013, Staff is proposing that the next Planning & Zoning Board

Meeting be held on Monday, September 9, 2013, at 7:30 p.m unless further notification is provided.

Chair Thomas thanked the Mayor for being in attendance this evening.

ADJOURNMENT

There being no further business before the Board, the Meeting was adjourned at 8:10 p.m. by Chair Judith Thomas.

Respectfully Submitted,

Kimberly Rowley
Planning & Zoning Board Recording Secretary

PLANNING & ZONING BOARD APPROVAL:

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

DATE:

_____

TOWN LAKE OF PARK
PLANNING AND ZONING BOARD
Meeting Date: September 12, 2013

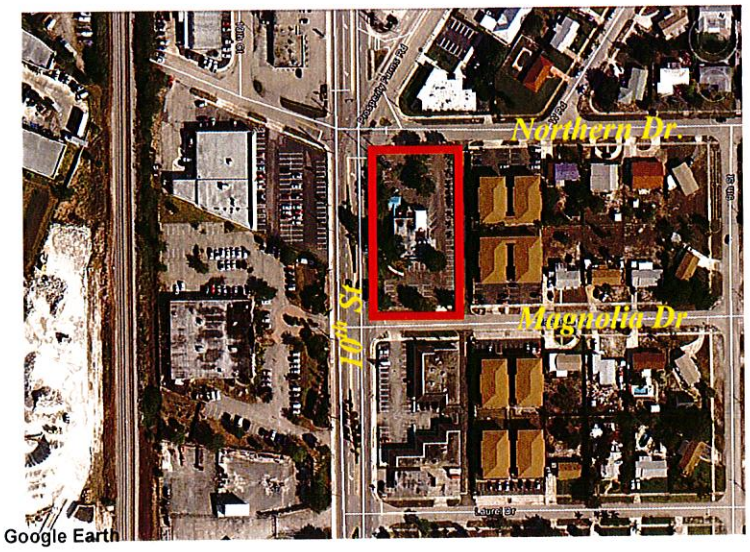
SPECIAL EXCEPTION APPLICATION BY OFFLEASE AUTOMART TO OPERATE A VEHICLE SALES WITH AN ACCESSORY REPAIR SHOP ESTABLISHMENT AT 1301 10TH STREET

APPLICANT'S REQUEST: Offlease Automart LLC (the "Applicant") has submitted an application for a Special Exception use of vehicle sales with the accessory use of vehicle repair (the Application) for the property located at 1301 10th Street ("Property" or "Site"). The existing building on Site is proposed to be used as a sales office and customer service area. The covered outdoor area is proposed to be used as a hubcap and rim installation area without the use of heavy machinery other than hand-held and electrically-operated tools.

BACKGROUND:

Applicant(s):	Offlease Automart LLC
Property Owner(s):	Prime Plaza Inc.
Address/Location:	1301 10th Street
Net Acreage:	0.947
Legal Description:	KELSEY CITY LOTS 19 TO 30 INC BLK 79
Existing Zoning:	Commercial-1 (C-1)
Future Land Use:	COMMERCIAL

Figure 1: Aerial Image

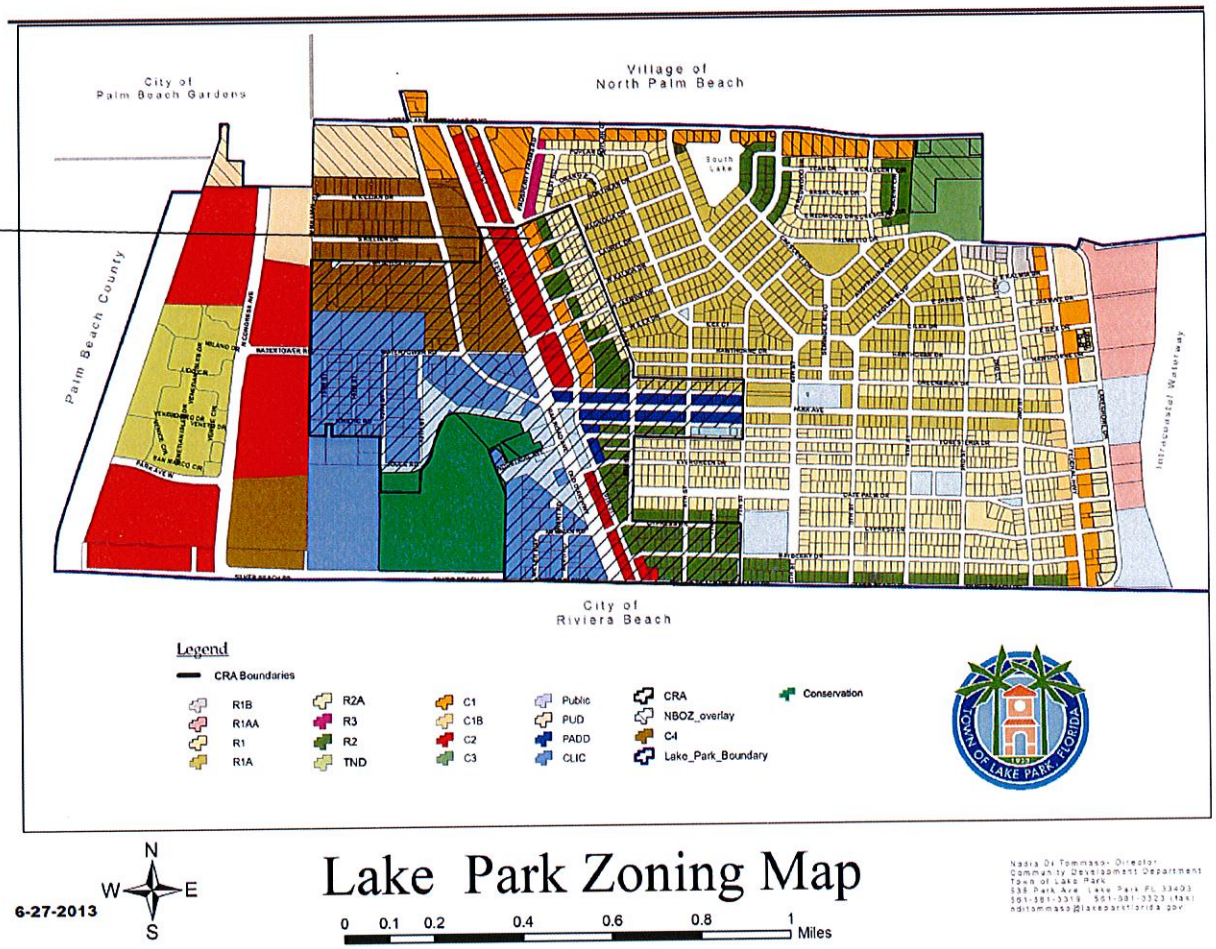


Adjacent Zoning

North:	Residential-3 (R-3)
South:	Commercial-1 (C-1)
East:	Residential-2 (R-2)
West:	Commercial-2 (C-2)

Figure 2: Town Zoning Map

Proposed Special Exception Site

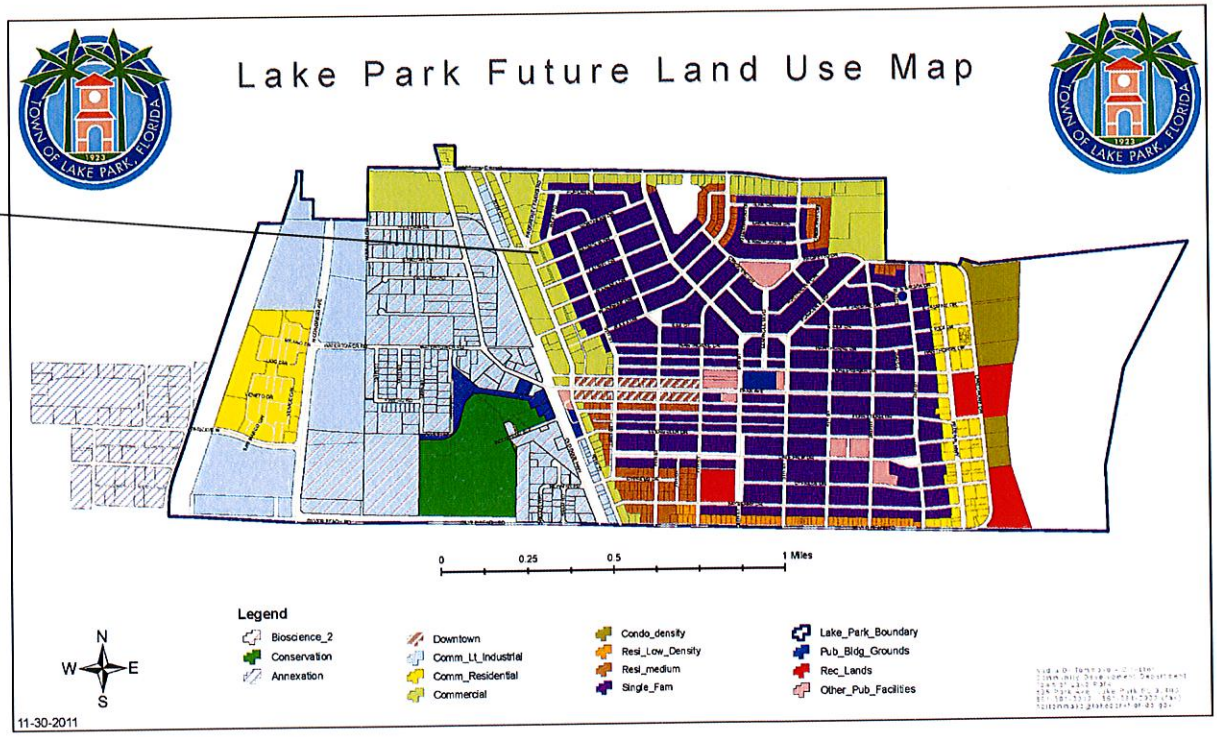


Adjacent Existing Land Use

North:	Commercial
South:	Commercial
East:	Commercial
West:	Commercial

Figure 3: Town Future Land Use Map (FLUM)

Proposed Special Exception Site



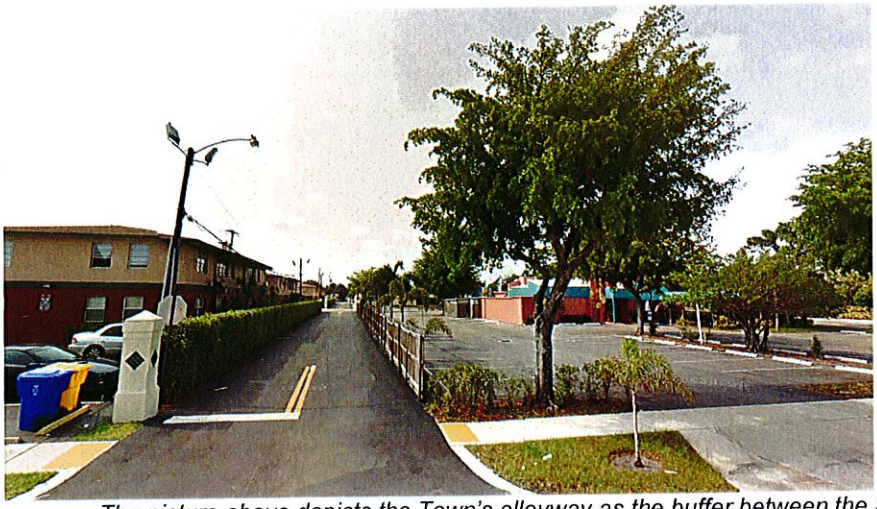
I. SUMMARY OF APPLICATION

The Applicant is proposing to use the Site for the special exception use of vehicle sales with an accessory vehicle repair shop to be used as a hubcap and rim installation area without the use of heavy machinery other than hand-held and electrically-operated tools. The Site is located at 1301 10th Street and has a zoning designation of *C-1 Business District*. The Applicant proposes to sell vehicles and accessory parts for vehicles.

Existing Conditions

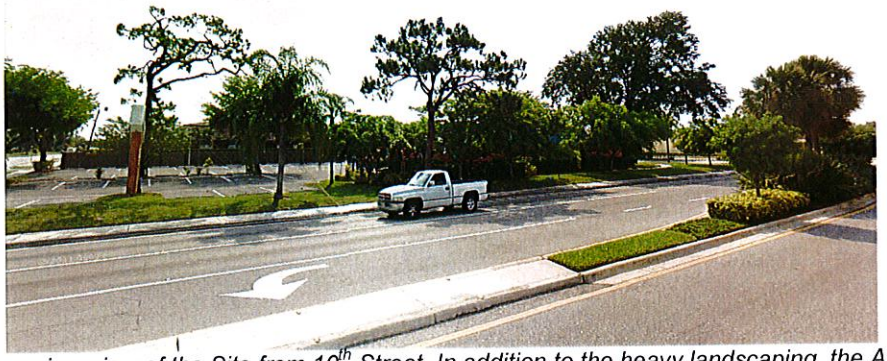
The existing building on the Site has been vacant for more than a year. The building on the Site was constructed in 1973 as a restaurant use and has been used as such. The C-1 Business District permits various commercial uses, including offices, retail shops, restaurants and vehicle-related uses. These uses currently exist upon surrounding parcels. While the Site also abuts a multi-family building immediately to the east, this use is a legal, non-conforming use because the underlying land use of the multi-family site is Commercial. There is a Town alleyway located offsite as can be seen on Figure 4 below and it includes a wall with hedge material. The adjacent Site's east property line includes a fence with trees. All these components serve as a buffer between the non-conforming residential multi-family use and the Site (see Figure 4 below). Staff is also proposing as a condition of approval that additional palm trees are installed along the east landscape buffer as shown on the Site Plan. These trees would complete the landscape scheme and serve as additional buffer material. Additional photos of the existing structure and onsite landscaping can be seen in figures 5 through 7.

Figure 4: View of alleyway from the north side



The picture above depicts the Town's alleyway as the buffer between the Site and the multifamily apartment complex seen to the rear of the property line. The demarcation line for the alley is the concrete wall with hedges on the residential property side and the wooden fence on the Site's property line.

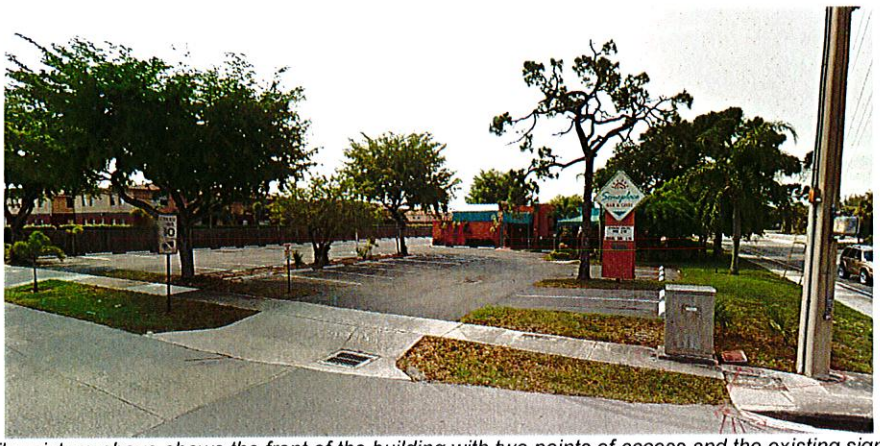
Figure 5: View from 10th Street (west side)



Above is a view of the Site from 10th Street. In addition to the heavy landscaping, the Applicant is proposing a fence to secure the lot. The fence will be placed behind the existing landscpaing per the code requirement.

Google Map

Figure 6: View from Northern Drive (north side)



The picture above shows the front of the building with two points of access and the existing sign.
Google Map

Figure 7: View from Magnolia Drive (south side)

Illustrates the third point of access which is currently closed off by the existing fence.
The picture also illustrates the rear parking area.

Google Map

II. ANALYSIS OF SPECIAL EXCEPTION CRITERIA

Staff has evaluated the Application against the six (6) criteria for Special Exception Uses pursuant to Code Section 78-184. The Commission must determine that all six criteria must be met for an Applicant to be entitled a Special Exception Use.

1. **The proposed special exception use is consistent with the goals, objectives, and policies of the town's comprehensive plan.**

   Objective 1, Policy 1.5 of the Town's Future Land Use Element (FLUE) within the Town's Comprehensive Plan states the following:

   > *The Town shall encourage development and redevelopment activities which will substantially increase the tax base while minimizing negative impacts on natural and historic resources, existing neighborhoods and development, and adopted Levels of Service standards.*

   CRITERIA MET.
   The proposed Special Exception use would authorize a vehicle sales use with the accessory use of vehicle repairs. The business would operate in a building that has been vacant for more than one year. The previous use of the Site was a restaurant. The Applicant is proposing a use to a Site which is currently vacant and not contributing to the Town's tax base. The Site adjacent town-owned alleyway has a concrete wall and the Site has a fence and trees along the east side, al of which adequately buffer the proposed use from the adjacent non-conforming multi-family residential use. The Application is being reviewed by Mr. Masoud Atefi from the Palm Beach County engineering department regarding the traffic impacts on the surrounding properties. Mr. Atefi has provided verbal confirmation that the proposed use will not negatively affect the traffic in the surrounding area. A copy of the Applicant's traffic analysis which has been submitted to Palm Beach County is included with the special exception application that is enclosed.

   Objective 5, Policy 5.2 of the Town's FLUE states:

   > *The Town shall foster the redevelopment of declining neighborhoods, <u>underutilized parcels</u>, and areas that demonstrate substandard and/or slum and blight conditions.*

   CRITERIA MET.
   The Site is currently underutilized because it has been vacant for more than a year. The Applicant proposes to occupy the Site with a commercial use.

2. **The proposed special exception is consistent with the land development and zoning regulations and all other portions of this Code.**

   CRITERIA MET

The Site has sufficient parking per the Town's Code requirements which requires the following breakdown:

Customer Service Parking Space Requirement:

→One space for each 500 square feet of enclosed gross floor area (9 spaces required) AND one space per each 4,500 square feet of outdoor sales display (2 spaces required). A total of 11 customer service spaces are required and the Applicant is exceeding the requirement by providing ***12*** *spaces.*

Employee Parking Space Requirement:

→One space per employee of the shift of largest employment (3 spaces required). The Applicant is exceeding the requirement by providing ***6*** *spaces.*

ADA Parking Space Requirement:

→One accessible parking space is required. The Applicant is providing ***one*** *space.*

A total of 15 customer service, employee and ADA spaces are required for the proposed use and the Applicant is exceeding the requirement by providing a total of 19 spaces. The remaining spaces onsite will be used for inventory, with the exception of three existing parking spaces along the east building wall which are conditioned to be removed in an effort to provide for better circulation (see conditions of approval in Section III of this Report).

The Boundary Survey and Site Plan submitted with the Application indicates that the building is 4,344 square feet, with an outdoor display area of 7,585 square feet. According to the Floor Plan submitted by the Applicant, most of the internal space of the building will be used for office, customer service area and restroom facilities (*see interior photos below*). The Applicant also proposes to incorporate perimeter fencing to the existing landscaping, with a mesh, to meet the Town's screening requirement for vehicle storage. The Site is landscaped; however, staff is proposing as a condition of approval, that the Applicant incorporate a hedge line within the north and west landscape buffers, along with three additional shade trees within the east landscape buffer. The Applicant included this proposal on their Site Plan.

3. **The proposed special exception use is compatible with the character and use (existing and future) of the surrounding properties in its function; hours of operation; type and amount of traffic to be generated; building location, mass, height and setback; and other relevant factors peculiar to the proposed special exception use and the surrounding property.**

CRITERIA MET

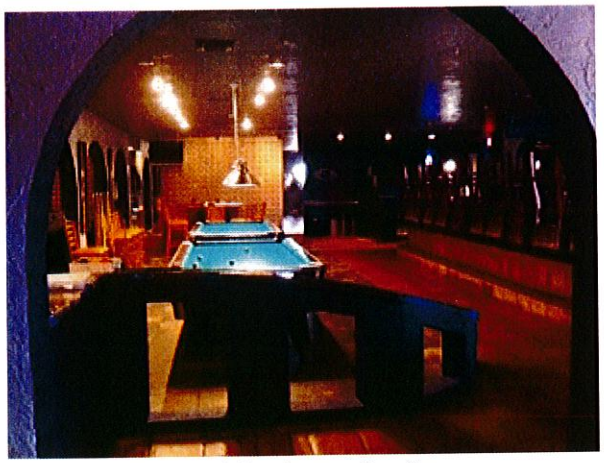
The proposed Special Exception use is compatible with the character of the existing commercial uses along 10th Street, as it is in close proximity to multiple auto-related establishments and gas stations.

The Applicant intends to preserve the existing layout of the Site while incorporating the required parking on the exterior and defining the interior space to allow for a customer service area and a sales office (see the Applicant's floor plan included with the Applicant's Special Exception application). The building was constructed in 1974 and has historically been utilized as a restaurant with a full kitchen. The Applicant proposes to maintain the existing kitchen onsite, but will **not** be utilizing it as part of its motor vehicle operation. The Applicant is proposing to close-off the interior kitchen entrance as to not utilize it as part of the proposed motor vehicle business. The existing building on-site meets the Town's setback requirements.

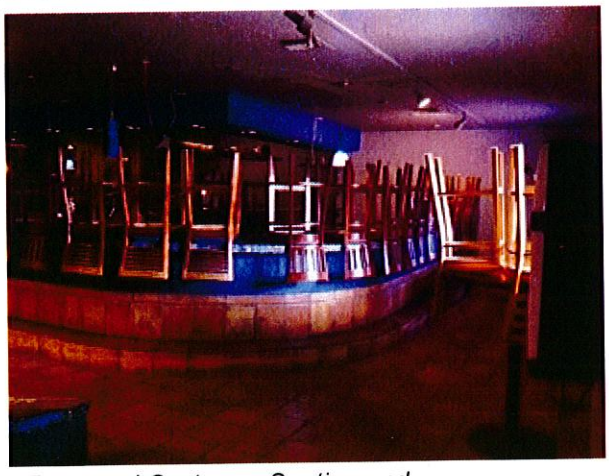
The Applicant's Photometric Plan included herein as Exhibit "A" demonstrates that there is adequate lighting onsite. The existing Florida Power & Light (FPL) light poles and light fixtures are located in the Town-owned alleyway, but were installed previously to provide lighting to the Site. The Owner controls the meter for these light fixtures and is responsible for their billing through FPL. The existing light shields mitigate illumination onto the neighboring multi-family residential complex. One added light fixture is being proposed for the northwest corner of the Site. This would allow the Applicant to meet the required illumination levels on this side of the Site. The Property Owner previously installed directional light fixtures on the Site to illuminate the Site's parking area. These lights have been inactive due to the building's abandonment; however, the Applicant is proposing to reactivate the light fixtures. The Applicant's Photometric Plan meets the Town's lighting requirements.

The Applicant's business hours of operation will be 9:30 am to 8:00 pm, Monday through Friday; 9:30-7:00 on Saturdays; and 12:00-5:00 on Sundays. These hours are similar to the other businesses along 10th Street.

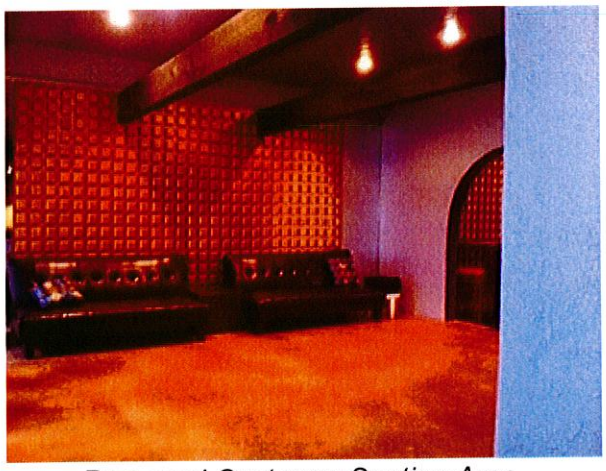
Interior photos of building:



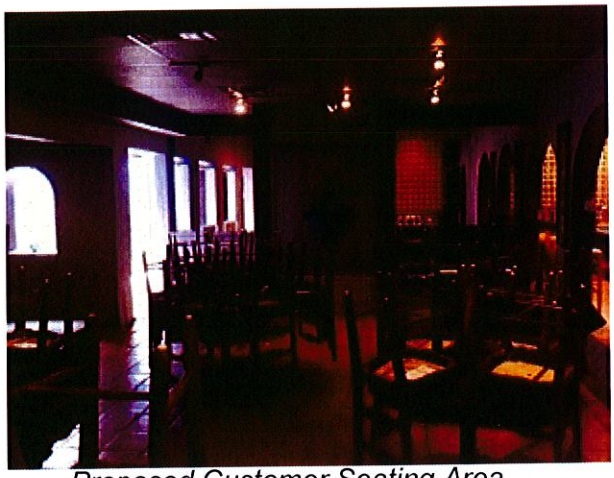
Proposed Customer Seating and Recreational Waiting Area



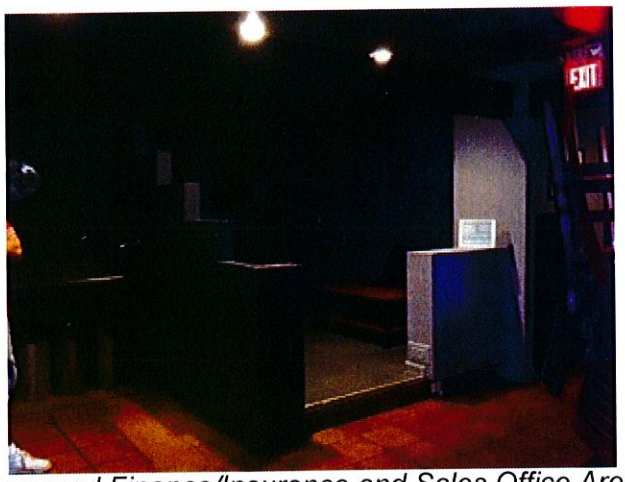
Proposed Customer Seating and Refreshment Bar Area



Proposed Customer Seating Area



Proposed Customer Seating Area



Proposed Finance/Insurance and Sales Office Area

4. **The establishment of the proposed special exception use in the identified location does not create a concentration or proliferation of the same or similar type of special exception use, which may be deemed detrimental to the development or redevelopment of the area in which the special exception use is proposed to be developed.**

CRITERIA MET

Currently, there are no other vehicle sales establishments in the C-1 or C-2 district along 10th Street in the immediate vicinity. While there are other vehicle related establishments, these businesses are not engaged in vehicle sales.

5. **The proposed special exception use does not have a detrimental impact on surrounding properties based on:**

   a. **The number of persons anticipated to be using, residing, or working on the property as a result of the special exception use;**

   CRITERIA MET
   The Applicant's business would employ 3 people. The Site's interior space and exterior parking layout can accommodate the three employees and the expected number of customers.

   b. **The degree of noise, odor, visual, or other potential nuisance factors generated by the special exception use; and**

   CRITERIA MET
   The proposed Special Exception use will not have operations that will generate excessive noise or odor. The Applicant proposes landscaping and a fence around the perimeter of the Site to prevent visual nuisances. The Applicant will not be conducting operations that require the use of oil or other chemicals onsite. A covered outdoor repair area which would be fenced and landscaped is proposed. This area would be used only for the installation of wheel hubcaps and rims without the use of heavy machinery. No other types of nuisances are expected to be generated by the proposed Special Exception use.

   c. **The effect on the amount and flow of traffic within the vicinity of the proposed special exception use.**

   CRITERIA MET
   The Application is being reviewed by Mr. Masoud Atefi from the Palm Beach County Engineering Department. Mr. Atefi has provided verbal confirmation that the prosed use would not negatively affect traffic in this area and the Applicant's traffic analysis which is included with their application indicates that the proposed use will have a lesser impact on traffic than the use previously operated onsite.

6. **That the proposed special exception use:**

   a. **Does not significantly reduce light and air to adjacent properties.**

   CRITERIA MET
   The Applicant is not adding or reducing light to the Site that would would affect light or air to adjacent properties. The Application meets the lighting requirements of the Town Code with the proposal of an additional light fixture on the northwest corner. Based on staff's evaluation of the Photometric Plan submitted, the neighboring multi-family residential development will not be impacted by lighting from the Site. The Applicant does not have any operations that will affect the air quality.

b. Does not adversely affect property values in adjacent areas.

CRITERIA MET
The proposed Special Exception use would not generate any negative impacts that will result in a decreased property value. The redevelopment of the Site may increase property values of adjacent properties.

c. Would not be a deterrent to the improvement, development or redevelopment of surrounding properties in accord with existing regulations.

CRITERIA MET
Neither the proposed use nor the proposed lay out of the Site are expected to interfere with any future development or improvements in the surrounding area. Rather, the utilization of the Site may encourage additional redevelopment in the area.

d. Does not negatively impact adjacent natural systems or public facilities, including parks and open spaces.

N/A

e. Provides pedestrian amenities, including, but not limited to, benches, trash receptacles, and/or bicycle parking.

CRITERIA MET
The existing Site layout will remain the same. The nature of the proposed special exception use does not require pedestrian amenities or benches and will be adequately serviced through the Town's Public Works department. The Site is able to accommodate pedestrians and bicyclists.

III. STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the proposed special exception use of "vehicle sales with an accessory vehicle repair shop" subject to the following conditions of approval:

(1) The Applicant shall develop the Property consistent with the following Plan submitted by Compass Surveying:

a. Boundary Survey and Site Plan referenced as Sheet 1 of 1, and prepared by Clyde O. McNeal PSM, signed and sealed 08/12/2013 and received and dated by the Department of Community Development on 08/26/2013.

b. Photometric Plan prepared and signed and sealed by Ronald Levinson, P.E. on 08/28/2013 and received and dated by the Department of Community Development on 08/28/2013.

(2) A thirty (30) inch hedge shall be installed within the north and west perimeter landscape buffers pursuant to the Site Plan. All perimeter hedge material, including the existing hedge material surrounding the outdoor covered area, shall be maintained at a minimum 5 foot height. Three additional palm trees at a minimum 12 foot height and three-foot trunk diameter shall be installed within the east landscape buffer pursuant to the Site Plan.

(3) Three (3) existing parking spaces along the east building wall shall be removed per the Site Plan.

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Application Fee $1,250

Escrow: $800.0

THE TOWN OF LAKE PARK
Community Development Department

APPLICATION FOR SPECIAL EXCEPTION REVIEW

Name of Applicant/Agent: OFFLEASE AUTOMART LLC

Address: 1301 10TH ST LAKE PARK FL 33403

Telephone: 561-236-8416 Fax:

E-mail address: JLEE69 @ BELLSOUTH.NET

X Owner _____ Agent (Attach Agent Authorization Form)

Owner's Name (if not applicant): C. FRANCOIS / PRIME PLAZA INC

Address: 65 SPANISH RIVER DR BOYNTON BCH FL 33435

Telephone: 561-704-0039 Fax:

E-Mail address:

Property Location: 1301 10TH ST LAKE PARK FL 33403

Legal Description: KELSEY CITY LOTS 19 TO 30 INC
BLK 79

Property Control Number:

Future Land Use: COMMERCIAL Zoning: C-1

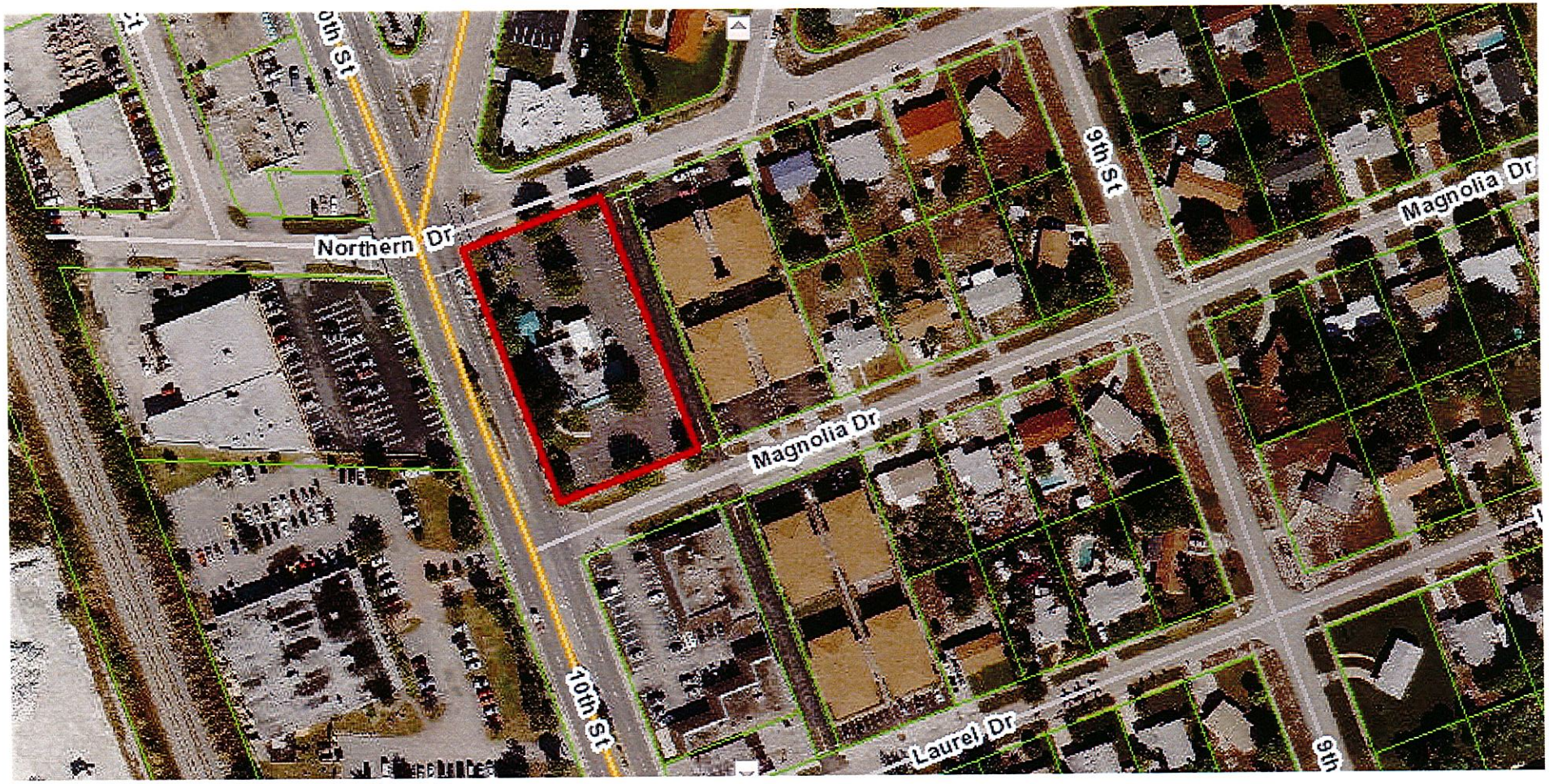
Acreage: 0.9 Square Footage of Use: 4500

Proposed Use: AUTO SALES AND REPAIR / ACCESSORY SALES

Adjacent Property

Direction	Zoning	Business Name + professional office	Use + office
North	C-1 + R-3	VALERO FUEL STATION	FUEL STATION
East	R-2	OPABOLA SQUARE	RESIDENTIAL
South	C-1	CLAYTON SQUARE	MULTI BUSINESS
West	C-2	BENNETT AUTO SUPPLY	AUTO PARTS SALES

AERIAL IMAGE OF SITE



Palm Beach County Property Appraiser

The Town of Lake Park
Community Development Department

PLEASE DO NOT DETACH FROM APPLICATION.

SIGNATURE REQUIRED BELOW.

Please be advised that the Town of Lake Park Code of Ordinances under Section 51-6 provides for the Town to be reimbursed, in addition to any application or administrative fees, for any supplementary fees and costs the Town incurs in processing development review requests.

These costs can include, but are not limited to, advertising and public notice costs, legal fees, consultant fees, additional staff time, cost of reports and studies, NPDES stormwater review and inspection costs, all engineering fees and inspection costs, and any additional costs associated with the building permit and the development review process.

For further information and questions please contact the Community Development Department at 561-881-3318.

I, Jerry Lee, have read and understand the regulations above regarding cost recovery.

Signature ~~of Property Owner~~ Applicant Date 8/26/13

535 Park Avenue, Lake Park, Florida 33403
Phone: (561) 881-3318 Fax: (561) 881-3323
Web Site: www.lakeparkflorida.gov

August 6, 2013

I, Christian Hanson (Property Owner), authorize Mr. Dan Wynne and Jerry Lee of OffLeaseAutoMart (Business) to submit a Special Exception application and assume all procedural and financial responsibilities for the above-referenced application.

Christian Hanson

(Signature of Property Owner)

Kimberly B Rowley

KIMBERLY B. ROWLEY
MY COMMISSION # DD 963766
EXPIRES: June 22, 2014
Bonded Thru Notary Public Underwriters

8/6/2013

Notary Seal

Personally Known

Date / Identification Produced

1. ***Please discuss how the Special Exception use is consistent with the goals, objectives, and policies of the Town's Comprehensive Plan.***

One of our goals is to generate public interest in coming to our property to purchase used vehicles. That will do several things. First it generates income for the business and also adds to the tax base of our town. Second it also generates interest in the city of Lake Park, with an influx of people coming to our location. They will also be around other business locations in the Lake Park area. Bennett Auto supply is next door, AAMCO transmissions are right next door, along with the gas station just to our north, just to name a few. This will provide additional business opportunities for the neighboring businesses'.

2. ***Please discuss how the proposed Special Exception is consistent with the land development and zoning regulations and all other portions of the Town of Lake Park Code of Ordinances.***

Our location and business model in no way will effect or detour away from the already existing landscape or integrity of the building. The landscape will remain current and up to code. There will be no removal or destruction of the current landscape. There will be no removal of current parking spaces. All handicap spaces will remain, along with ample parking for all vehicles that enter the property. All of the outside structure and appearance will remain within all of the Town Codes. There will be a perimeter fencing of the property to insure that the property is well protected and secure at all times. The interior structure and integrity of the building will remain. There will be no construction or removal of walls or anything to destroy the inside of the building.

3. ***Please explain how the proposed Special Exception use is compatible with the character and use (existing and future) of the surrounding properties in its function ; hours of operation ; type and amount of traffic to be generated ; building locations ; mass ; and setback ; and other relevant factors peculiar to the Special Exception use and surrounding property.***

The compatibility of the business with the surrounding properties is very favorable to the growth of local business. The auto parts store right next door has the potential for tremendous growth. Pre-owned vehicles have a big need for auto parts and services that would be ideal for the auto parts business. The fuel station just to the north would be a primary location for us to use for our fueling needs, as most of our cars will require the need for fuel. The transmission business has the potential to add many opportunities for future business. Our hours of operation will coincide with all other local businesses in the area. Our hours of operation will be from 9:30am to 8:00pm Monday thru Friday, 9:30am to 7:00pm on Saturdays, and 12:00 to 5:00 on Sundays. The type and amount of traffic generated will be favorable for all in the area. With the amount and type of traffic that will be generated it will also have an effect on the so called "negative" activity in the area. The activity will detour away the undesirable activity that exists in the area now. This once again is in favor of all the businesses in the area. The building is also set back far enough that you won't have potential dangerous situations near the existing roadways. It is clear to see that the business will provide a potential for profit and benefit all surrounding businesses in the area.

4.***Please explain how the establishment of the proposed Special Exception use in the identified location does not create a concentration or proliferation of the same or similar type of Special Exception use, which may be deemed detrimental to the development or redevelopment of the area in which the Special Exception use is proposed to be developed.***

There will be no concentration or proliferation of the same type of Special Exception use because there are no auto dealers within the area. This will be in no way detrimental to the development or redevelopment of the area. In fact just the opposite, this will enhance the area, and will be favorable for the surrounding businesses and land owners for future development. It also will have the ability to entice future owners of businesses to consider the Town of Lake Park to be their home to build and grow future businesses.

5. ***Please explain how the Special Exception use does not have the detrimental impact on surrounding properties based on; (a) The number of persons anticipated to be using, residing, or working on the property as a result of the Special Exception use; (b) The degree of noise, odor, visual, or other potential nuisances factors generated by the Special Exception use; (c) The effect on the amount of flow traffic within the vicinity of the proposed Special Exception use.***

There will be no detrimental impact to the area based on persons using the property, because there will be a minimum staff and there will be no visible (other than walking around) activities within the sight of the surrounding properties. There will defiantly be no one residing at the property, so there is no concern there. There will be no variance in the degree of noise, as all of the business transactions will be taking place within the confides of the building and will not be subject to the outside. Since we will not be dealing or handling any chemicals or anything of that nature. There will be no unpleasant or disturbing odors ever coming from the property. Since all transactions will be done inside, the visual effect will be nonexistent and never a detriment or disturbing to existing businesses or residential property owners. The effect that the flow of traffic will have will be positive for all. Since the property will be gated and fenced all around there will be no "overflow" spilling out on the streets. This will also insure safety and security for all that enter. The additional traffic also equals to addition people, this again is potential for all surrounding businesses to obtain additional customers and potential business for future growth in their own line of business.

6. ***Please explain how the proposed Special Exception use meets the following requirements; (a) does not significantly reduce light and air adjacent properties; (b) does not adversely affect property values in adjacent areas; (c) would not deterrent to the improvement, development or redevelopment of surrounding properties in the accord with existing regulations; (d) does not negatively impact adjacent natural systems or public facilities, including parks and open spaces; and (e) provides pedestrian amenities, including, but not limited to, benches, trash receptacles, and or bicycle parking.***

There would not be a reduction in light, but an actual enhancement in light. There will be additional lighting that we will install to enhance the property, and because our hours of operation will be within the normal business hours of the day. There will be no interference or contradiction to adjacent business owners or residential property owners in regards to lighting. So this is actually a positive for the surrounding businesses and property owners. As far as air adjacent properties, all existing properties on the property will remain unchanged. Property values will now have the potential to increase in the area, because there will be another successful business in the area that will entice and lure potential business owners, Making the potential for values of properties in the area to increase at greater speed than unused or vacant properties. With the existence of a successful business in the area, future development will now become more attractive and promising to new business owners. Since the property and business will be totally fenced in and secured, there will be no negative impact on any natural systems or any public facility. All pedestrian amenities will remain unchanged and kept up to existing codes. All handicap amenities will also remain unchanged and kept up to all existing codes.

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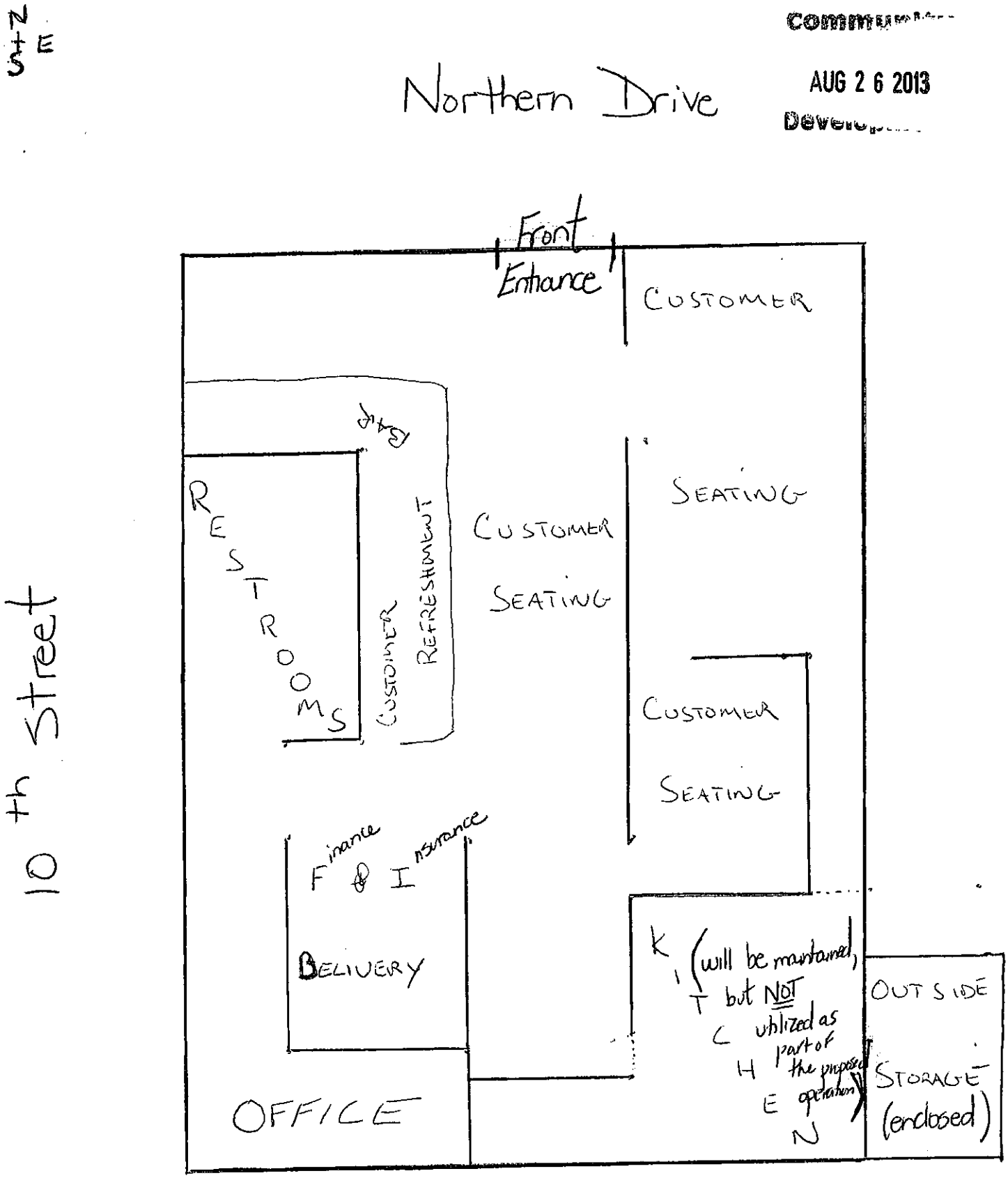

FLOOR PLAN

Community
SEP 06 2013
Development

MTP Group, Inc.
8401 Lake Worth Road, Suite 231
Lake Worth, FL 33467
Telephone: (561) 795-0678 Fax: (561) 795-0230
www.mtpgroup.net

September 4, 2013

Masoud Atefi, MSCE
TPS Administrator – Municipalities
Palm Beach County Traffic Division
2300 North Jog Road, 3rd Floor
West Palm Beach, Florida 33411

Re: Automobile Sale – Lake Park
PCN: 36-43-42-20-01-079-0190

Dear Mr. Atefi:

There is an application to convert an existing 4,500 square-foot building into a used automobile sale facility. The existing building has been in use within the past five years as a high turnover sit-down restaurant. The 0.95-acre site is located at 1301 10th Street in the City of Lake Park. The facility is expected to be operational as soon as approved, but no later than 2015.

MTP Group has been retained to prepare a Traffic Statement. This statement has been prepared to comply with the requirements of *Palm Beach County Traffic Performance Standards (TPS) Article 12 of the Palm Beach County Unified Land Development Code.*

Trip generation characteristics of the development have been determined using trip generation rates included in the *Palm Beach County Trip Generation Rates* table dated September 1, 2011. The most appropriate land use included in the table for the proposed use is new car sales. Therefore, trip generation characteristics of the proposed development have been evaluated based on those of new car sales. **Table 1** presents the trip generation characteristics of the proposed development while **Table 2** presents the trip generation rates used in the study.

TABLE 1
Trip Generation

Land Use	Amount	Daily Traffic	AM Peak Hour			PM Peak Hour		
			Total	In	Out	Total	In	Out
Proposed								
Car Sales	4,500	150	9	7	2	12	5	7
Pass-By	*15%*	*23*	*1*	*1*	*0*	*2*	*1*	*1*
Net Traffic - Proposed		127	8	6	2	10	4	6
Existing								
Restaurant	4,500	572	52	27	25	50	30	20
Pass-By	*43%*	*246*	*22*	*12*	*10*	*22*	*13*	*9*
Net Traffic - Existing		326	30	15	15	28	17	11
Net Traffic		***(199)***	***(22)***	***(9)***	***(13)***	***(18)***	***(13)***	***(5)***

Independent Variable:
New Car Sales: 1,000 square-feet
High Turnover Sit-Down Rest.: 1,000 square-feet

TABLE 2
Trip Generation Rates

Land Use	ITE Code	Daily Trip Gen.	AM Peak Hour			PM Peak Hour		
			Total	In	Out	Total	In	Out
New Car Sales	841	33.34	2.03	74%	26%	2.59	39%	61%
High Turnover Sit-Down Rest.	932	127.15	11.52	52%	48%	11.15	59%	41%

As presented in Table 1 above, the proposed development has the potential to reduce traffic impact from that already vested due to the existing use in the property.

Based on the requirements of *Palm Beach County Traffic Performance Standards*, the proposed development does not require a traffic study and should be approved.

Please, do not hesitate to contact me at your earliest convenience at (561) 795-0678 should you have any questions.

Sincerely,

MTP Group, Inc.

MARIA M. TEJERA
LICENSE
No. 44095
STATE OF FLORIDA
PROFESSIONAL ENGINEER

09/04/2013

Maria M. Tejera, P.E.
President

Florida Registration Number 44095
MTP Group Certificate of Authorization 6585