TOWN OF LAKE PARK
SPECIAL CALL
PLANNING & ZONING BOARD
MEETING AGENDA
JUNE 29, 2015
7:00 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

Judith Thomas, Chair	☐
Michele Dubois	☐
Martin Schneider	☐
Erich Von Unruh	☐
Ludie Francois	☐
Anne Lynch, Alternate	☐

APPOINTMENT OF VICE-CHAIR

APPROVAL OF AGENDA

APPROVAL OF MINUTES

- Planning & Zoning Board Meeting Minutes of June 1, 2015

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. **A VARIANCE APPLICATION FOR 900 10TH STREET: LANDSCAPING (MINIMUM BUFFER AND PLANTING REQUIREMENTS), SECTIONS 78-253(h)(1) AND 78-253(h)(2), AND ARCHITECTURAL DESIGN GUIDELINES (MINIMUM RECESSES/PROJECTIONS AND ROOF OFFSETS), SECTIONS 78-333(3) AND 78-337(3).**

B. **AN APPLICATION BY HOWARD F. OSTROUT AND ASSOCIATES, LLC, AS AGENT FOR 900 10TH STREET/WATERFRONT SERVICES, INC., TO AMEND RESOLUTION 48-12-13 TO REVISE THE PREVIOUSLY APPROVED SITE AND LANDSCAPE PLANS TO RECONFIGURE THE ON-SITE PARKING BY ADDING AN ADDITIONAL PARKING AREA WHICH IS BEING UPGRADED WITH LANDSCAPING.**

COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

ADJOURNMENT

THE NEXT REGULARLY SCHEDULED PLANNING & ZONING BOARD MEETING WILL BE HELD ON MONDAY, AUGUST 3, 2015, AT 7:00 P.M.

TOWN OF LAKE PARK
PLANNING & ZONING BOARD
MEETING MINUTES
JUNE 1, 2015

CALL TO ORDER

The Planning & Zoning Board Meeting was called to order by Chair Judith Thomas at 7:52 p.m., upon the conclusion of the Historic Preservation Board Meeting.

PLEDGE OF ALLEGIANCE

ROLL CALL

Judith Thomas, Chair	Present
Martin Schneider	Present
Erich Von Unruh	Present
Michele Dubois	Excused
Ludie Francois	Not Present
Anne Lynch, Alternate	Not Present

Also in attendance were Nadia DiTommaso, Community Development Director, and Kimberly Rowley, Recording Secretary.

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

	Aye	Nay
Judith Thomas	X	
Erich Von Unruh	X	
Martin Schneider	X	

The Motion carried 3-0 and the Agenda was approved as submitted.

APPROVAL OF MINUTES

Chair Thomas requested a motion for the approval of the March 2, 2015, Planning & Zoning Board Meeting Minutes as submitted. Board Member Schneider made the motion for approval, and it was seconded by Board Member Von Unruh. The vote was as follows:

	Aye	Nay
Judith Thomas	X	
Erich Von Unruh	X	
Martin Schneider	X	

The Motion carried 3-0, and the Minutes of the March 2, 2015, Planning & Zoning Board Meeting were approved as submitted.

PUBLIC COMMENTS

Chair Thomas reviewed the Public Comments procedure.

ORDER OF BUSINESS

Chair Thomas outlined the Order of Business.

NEW BUSINESS

Chair Thomas read into the record:

A. ***(THIS ITEM TO BE CONTINUED TO THE JUNE 29, 2015, PLANNING & ZONING BOARD MEETING)*** **A VARIANCE APPLICATION FOR 900 10TH STREET: LANDSCAPING (MINIMUM BUFFER AND PLANTING REQUIREMENTS) AND ARCHITECTURAL DESIGN GUIDELINES (MINIMUM RECESSES/PROJECTIONS AND ROOF OFFSETS).**

Chair Thomas read into the record:

B. ***(THIS ITEM TO BE CONTINUED TO THE JUNE 29, 2015, PLANNING & ZONING BOARD MEETING)*** **900 10TH STREET: AN AMENDMENT TO THE SITE PLAN FOR A SPECIAL EXCEPTION USE PREVIOUSLY APPROVED TO ESTABLISH A "BUILDING SUPPLIES, OFFICE AND RETAIL SPACE WITH A STORAGE WAREHOUSE".**

C. **THE BENEFITS OF DEVELOPMENT AND REDEVELOPMENT IN THE TOWN OF LAKE PARK. (PRESENTED BY JOHN D'AGOSTINO, TOWN MANAGER, AND BLAKE RANE, FINANCE DIRECTOR)**

TOWN MANAGER PRESENTATION

John D'Agostino, Town Manager, addressed and thanked the Planning & Zoning Board Members, and welcomed Mayor Dubois and Town Commissioner Rapoza, who were present as members of the audience.

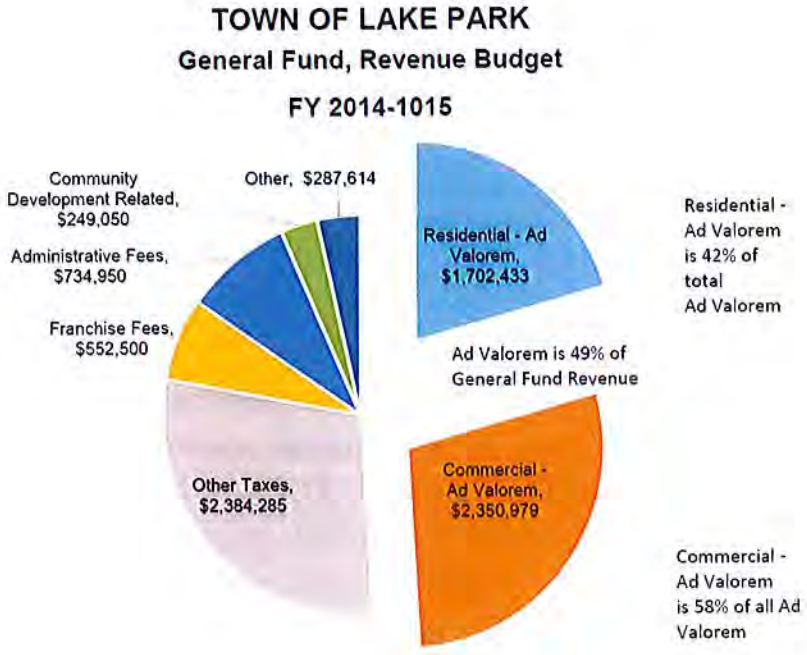
Mr. D'Agostino explained the intent of tonight's discussion is to provide the Board with a financial perspective of the Town of Lake Park, and where the Town is financially at the present time. He

stated his hope is that this financial information will shed some light regarding the Town's General Revenue Budget, the number of residential properties and the recessed values, Town expenditures, and the General Fund Unassigned and Undesignated Fund Balances. Mr. D'Agostino stated this financial information is important as we look forward to future development, as we need to begin to look at ways in which we can reestablish investment in the Town of Lake Park, while maintaining the characteristics of the community. Mr. D'Agostino called upon the Town Finance Director, Blake Rane, to present a slide show, and upon the conclusion he hopes for good dialogue with the Board regarding where we need to go in the future from a financial perspective and how development will help us get there.

Chair Thomas thanked Mr. D'Agostino for being present and providing this information to the Board. She inquired if the Board will continue to receive financial information in the future. Mr. D'Agostino responded his intent is to be involved with all Town Boards and Committees in order to provide this type of information. He feels it is important, from a planning perspective and a management perspective, that everyone is on the same page, understanding the needs of the Town, and moving in the same direction.

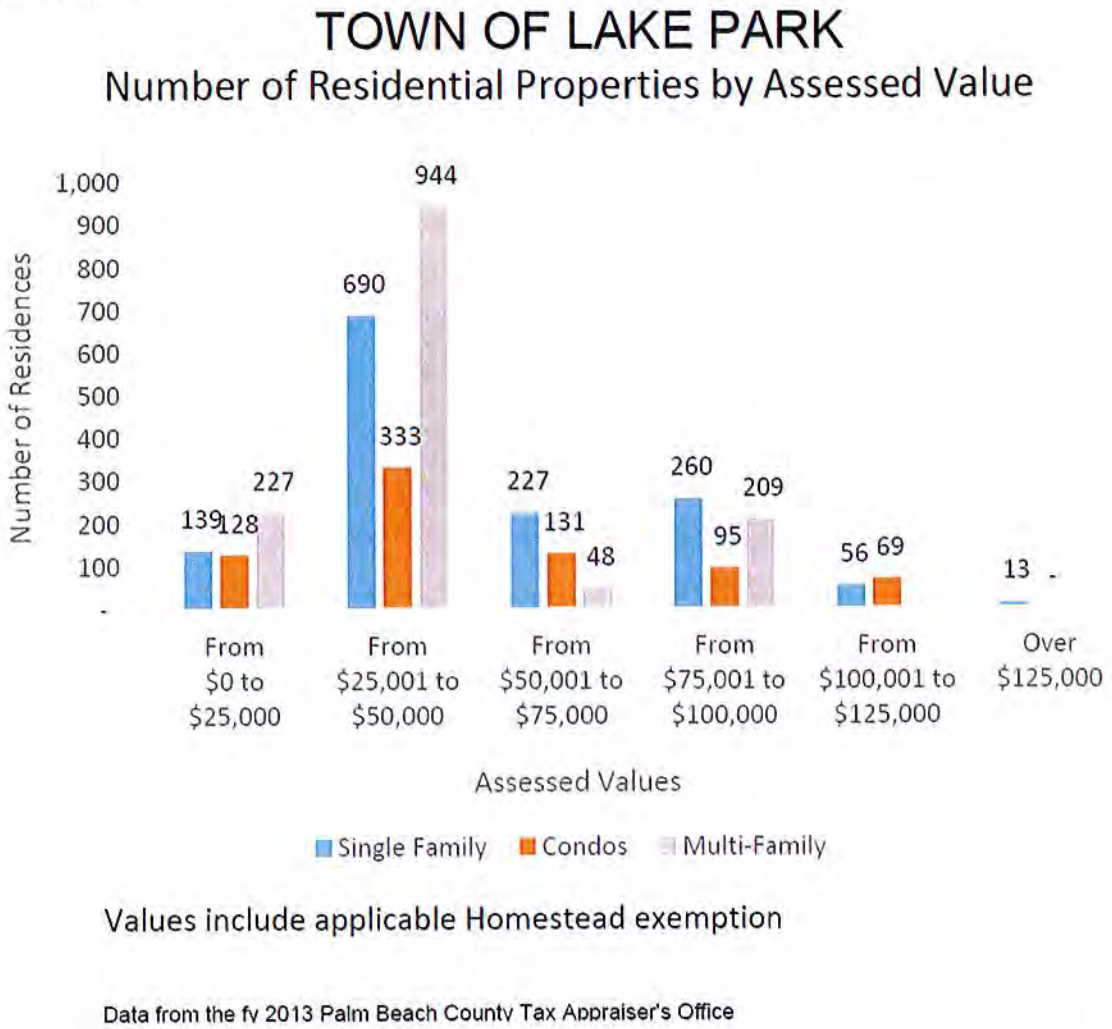
Blake Rane, Finance Director, addressed the Board. He stated the presentation is intended for information to the Board, and that he and Mr. D'Agostino are committed to a great deal of communication with all the aspects of the Town in order to increase understanding. Mr. Rane stated now is an exciting and very challenging time for the Town of Lake Park, as we are experiencing increased activity throughout all Departments, as well as an increased interest in development and redevelopment within the Town.

Mr. Rane presented a pie chart entitled *General Fund, Revenue Budget FY 2014-2015*, as follows:



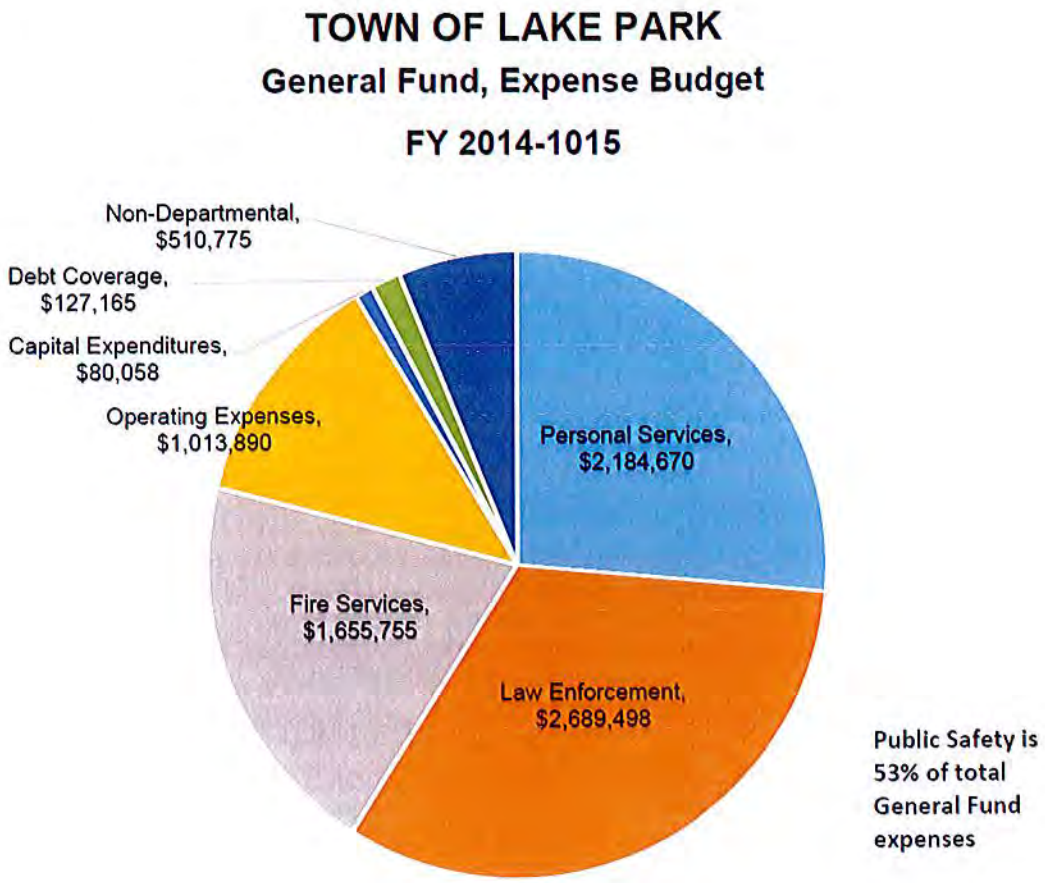
Mr. Rane explained the pie chart illustrates General Fund revenue sources and their magnitudes. Mr. Rane pointed out the importance of ad valorem (property taxes) in funding the Town, and stated in FY 14/15 ad valorem taxes accounted for 49% of the Town's General Fund Revenue. Additionally, 42% of the budgeted property tax revenue comes from residential properties in the Town.

Mr. Rane presented a graph entitled *Town of Lake Park, Number of Residential Properties by Assessed Value,* as follows:



Mr. Rane gave statistics on residential properties in the Town. He explained the graph indicates the total number of housing units divided into single-family homes, condominiums, and multi-family units. He stated there are a total of 3,569 residences in Town, 494 or 14% of which have a taxable value of $25,000 or less (including, where applicable, homestead and all other types of exemptions). Another 55% of the Town's residences have a taxable value of between $25,001 and $50,000 - which provides for a total of 69% of Town residences with a value of $50,000 or less. Mr. Rane explained a home with a taxable value of $25,000 would pay $220 of ad valorem taxes to the Town in FY 2014, and a home with a taxable value of $50,000 would have paid $440 in ad valorem taxes. Mr. Rane stated the General Fund revenue sources are the funds which provide Town services to residents.

Mr. Rane presented a pie chart entitled *General Fund, Expense Budget FY 2014-2015*, as follows:



Mr. Rane explained the Expense Budget for FY 2014 and pointed out that Public Safety consumes 53% of the expenses of the General Fund, and recognized the important role of public safety to the residents. Another large portion is the cost of Town Staff. Town Staff currently consists of 50 full-time and part-time employees, which is down from 65 employees at this time in 2007, which is roughly a 25% reduction in total staffing. Mr. Rane pointed out the very tiny slice on the chart is for capital expenditures - a category that frequently gets pushed out of the budget, but which is a very important element to improve effectiveness and efficiency in the Town.

Mr. Rane presented a slide entitled *Schedule of Undesignated and Unassigned Fund Balance*, as follows:

TOWN OF LAKE PARK
General Fund
Schedule of Undesignated and Unassigned Fund Balance

Schedule of Undesignated Fund Balance		
September 30, 2009	$	1,176,019
September 30, 2010	$	510,773

Schedule of Unassigned Fund Balance		
September 30, 2011	$	277,015
September 30, 2012	$	20,643
September 30, 2013	$	198,722

Mr. Rane stated this final slide shows the changes in the availability of funds over the past five (5) years. He explained this pool of funds is what the general government has available to draw upon in the case of an emergency, or for the Town Commission to go to with an unbudgeted project. Mr. Rane stated he is available for questions from the Board.

Mr. D'Agostino again addressed the Board and expressed the graphic entitled *Town of Lake Park, Number of Residential Properties by Assessed Value* is very important when you look at Town's ability as a community to be able to weather the ups and downs of economic cycles. He pointed out that currently most of the Town's residential property values, after exemptions, have taxable values in the range of $25,000 - $50,000, which is an uneven distribution of value in a community of this size. What this means is that Town Staff and the Board are challenged to help diversify the residential tax value base, in order to increase values. He explained that when property values are increased, it will produce a ripple affect across other property values. Mr. D'Agostino stated as we begin to look at creative ways in which to encourage investment, increase investment, and increase value, it will help the Town to be able to afford the capital projects this community so desperately needs – for example, road resurfacing, striping of roadways, and purchasing capital items which have not been purchased in several years. He explained that from a financial perspective it is very unhealthy for any community to have a high amount of property value at the lower end of the spectrum. Communities which border the Town of Lake Park, including the City of Riviera Beach, have a wider distribution of residential value, some of which are in the million dollar + range. The Town of Lake Park has only one residential property valued at $200,000+. The problem with this is as we move forward and try to provide services we will not be able to do it on a continual basis without increasing property values or increasing and broadening the value spectrum for residential properties. Mr. D'Agostino pointed out that most of the ad valorem tax revenue is coming from commercial properties. He stated when the Town was designed by Frederick Olmstead, the perimeters were designed for commercial, industrial and retail, and the inner portion of Town was clearly designed for residential. The Town has a unique planned development type design, which was well ahead of its time in 1929. However, unless we begin to

once again pay attention to the perimeters of the Town and begin looking at ordinances and projects which will increase residential and commercial values, we will not grow revenue wise, and if we do not grow revenue wise, as a community we will continue to struggle financially.

Mr. D'Agostino pointed out the slide entitled *Schedule of Undesignated and Unassigned Fund Balance* and stated if the Town were to experience a hurricane this year, there would only be $198,722 available, which would probably buy us 20 days. As an example, surrounding communities have million dollar + undesignated and unassigned fund balances on hand. This is a very dangerous situation for the Town. Where would the Town go to get funds to operate after Day 20in the event of hurricane? The Town would have to go to the State legislature and ask to borrow money and then pay it back over time. The Town would be in a situation where it would have to borrow to pay everyday expenses. The Town cannot afford to be in this situation in the future. If the community is going to be successful, it has to be able to diversify the property tax base and increase residential and commercial values, which will increase when projects come into our community in the industrial or commercial component. Currently, the Town is land-locked with respect to residential property values. When we look at ways to increase residential values, we need to look at the U.S. One corridor as it was originally designed back in 1929. We need to develop more condominium type development projects, particularly along the Federal Highway area, as well as the potential for mixed-use development. Mr. D'Agostino stated his style of management is to go into the communities which would be affected by the proposed changes in order to show them how the developments will look and to get them involved in the design and approval process. He understands not everyone will like the proposals, however, the reason the proposals are going to be made is because we have no other choice since we do not have a diversified tax base like many of the surrounding communities. Mr. D'Agostino further stated that when the next economic downturn occurs, the Town will lose more employees and more services and the ad valorem will suffer as a result unless we diversify the tax base and introduce new value to our commercial, residential and retail establishments. Mr. D'Agostino stated that he and Staff will be very active in the community when the proposals are made, and will bring the proposals not only to the Planning & Zoning Board, but will meet with the residents in the affected communities to develop a partnership for the future growth of this community. Mr. D'Agostino expressed the Town cannot continue to operate in this vain and expect to advance financially, socially or economically without a broader diversification of its tax base.

BOARD DISCUSSION

Chair Thomas asked if an approach might be to sit down with the Palm Beach County Property Appraiser and look at the valuations of Town properties to see how they could be restructured in order to allow for additional taxes on properties. Mr. D'Agostino responded the only way to restructure value is to create additional value at a higher level. For the Town's inner residential areas, we should consider community development initiatives such as Community Development Block Grant (CDBG) money for the low income areas in order to bring them up to code. Mr. D'Agostino stated that some of the monies which the Town is eligible for and can apply for in the future he would like to see go toward housing development and redevelopment. He would like to begin to invest in the lower valued properties in order to increase the value and move it into a higher value level. He explained the County's valuation system is looking at what the market will demand, and as a result, this is where our values are falling in the majority. The Town needs to

look at projects in the future which will distribute that value higher. If we look at mixed-use projects in the future, we need to ensure some of the property will come on line for mixed-use retail and residential along the U.S. One corridor. Mr. D'Agostino stated we need to increase waterfront condominium values which would produce revenue and stabilize the revenue base without relying on the lower valued properties to pay more. This could bring anywhere from $300,000-$500,000 to $5 million dollars, depending on market conditions today. Mr. D'Agostino expressed he would like to be in the position of lowering the ad valorem, increasing the Town's ability to provide more programs and services, and to look at redesigning the Park Avenue area so as to create another mixed-use, residential and commercial development. He would like to create a village concept that would bring art & entertainment and condominium living to the downtown area - which would have its own vitality and bring in people who live, work, shop and recreate in the Park Avenue to the waterfront area. Mr. D'Agostino stated this is a unique opportunity for the Town and we need the P&Z Board to partner with Staff to build a balanced project which will meet the needs and interests of the community and residents, which will provide the revenue needed to provide the services they desire.

Chair Thomas stated she agrees we need diversification of industry in the Town, since one industry cannot carry the weight of the whole Town. She concurs with the need for better housing and higher valuations of residential properties in Town. Mr. D'Agostino responded that diversification of the residential tax base is extremely important to the future growth and development of this community. He stated Staff will put a plan together and be back in front of the P&Z Board – what we do and how we intend to do it is going to determine the future success of this community. Mr. D'Agostino stated grant money needs to be invested in the residential housing stock to make improvements. He stated the Town needs to attract permanent residents with homeownership investment in a mixed retail/commercial environment, and the U.S. One corridor is our best hope to achieve that objective. Mr. D'Agostino stated if the U.S. One corridor mixed-use development goes, it will forever change the financial face of this community.

Board Member Von Unruh mentioned meetings have been held regarding the possibility of mixed-use development in the future, which he thinks it is a great idea and everyone was on-board with the concept. He stated one of his biggest concerns is the school district, which he noticed has never been mentioned. One of the biggest attractions to a Town is the school and if you would like to attract young people to the Town of Lake Park, we need to make sure the school system is desirable. Board Member Von Unruh further expressed that in order to bring young people to the Town you need to think beyond redevelopment and consider the schools. He stated that Lake Park Elementary has been going through some difficulties and he has not heard of anyone trying to make the needed improvements. He expressed that the school issue is not just a problem of the County, but also for the Town. Board Member Von Unruh expressed that attracting younger people would bring additional tax revenue to the Town, as they typically have less exemptions. He stated that bringing people to Town is a much broader issue than simply redeveloping U.S. One - if you really want Lake Park to be sustainable in the future it will involve other things such as education, transportation, the possibility of a train station - all of these things need to be looked at to make the Town better, including possibly marketing. Mr. D'Agostino agreed and stated Board Member Von Unruh's comments are extremely valid and we need to look at this as a multifaceted approach. He stated when looking at a school system you look at the value of real estate and how the value correlates with a better education and presently the Town's values are not significant

enough to make that correlation. Mr. D'Agostino explained he is looking at this from a value perspective because we have some control over how to increase property values, however, we have less control over improving the school system unless as a community we commit to putting local dollars into the school system. At this time, we cannot commit because we do not have the revenue coming in. In the future, we want to be in a position where we can make that commitment so we can improve our schools and services. Mr. D'Agostino expressed that he would love to see multi-surface synthetic fields in the parks for the youth in the community to play soccer. He stated that when the kids get involved the parents will become involved. We need to reach out to the minority population of this community from a governmental perspective to get them engaged and involved and working in this community. Mr. D'Agostino stated his support of a rail station in Lake Park is primary and he wants to see it happen. We have to make sure that we have the ability to leverage the Lake Park location to the Department of Transportation, which will not come cheap and will cost money. The Town needs additional revenue in order to do these types of things and we cannot do it with the current distribution of property values. Mr. D'Agostino expressed that property valuation is the foundation on which you build the ability to have a train station, park & recreation programs, state-of-the art synthetic soccer fields, athletic programs and facilities and the Town is currently not in the financial condition to do these things. The Town of Lake Park's undesignated fund balance is lower than any other community in Palm Beach County and we are unable to do these things without the financial ability.

PUBLIC COMMENTS

There were no public comments.

COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

Ms. DiTommaso announced the next Planning & Zoning Board Meeting will be held on June 29, 2015, at 7:00 p.m.

ADJOURNMENT

There being no further business before the Board, the Meeting was adjourned at 8:40 p.m.

Respectfully Submitted,

Kimberly B. Rowley
Planning & Zoning Board Recording Secretary

PLANNING & ZONING BOARD APPROVAL:

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

_____

TOWN LAKE OF PARK
PLANNING AND ZONING BOARD
***MEETING DATE*: JUNE 29, 2015**

Staff Report

VARIANCE APPLICATION REQUEST

APPLICANT'S REQUEST: 900 10th Street, LLC, is the Property Owner (the Owner) of two lots located on the west side of 10th Street as legally described in the attached Exhibit A (the Property). On behalf of the Owner, Howard F. Ostrout (the Applicant) submitted applications for the Amendment to a previous Special Exception Use Approval (under separate cover) and four (4) variances requests. **Please refer to the Special Exception Use Amendment staff report being presented under separate cover for a complete history of the approvals and the proposed use**.

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BACKGROUND:

Applicant(s):	Howard F. Ostrout Jr. and Associates LLC
Owner(s):	900 10th Street LLC (Business Name: Waterfront Services, Inc./Pool Tek)
Address/Location:	900 10th St.
Net Acreage:	0.6123 ACRES (PCN: 36-43-42-20-06-001-0020); 0.2381 ACRES (PCN: 36-43-42-20-06-001-0040). TOTAL = 0.8504 ACRES
Legal Description:	CITY SQUARE SLY 115.77 FT OF NLY 277 FT OF ELY 174 FT & SLY 102.86 FT OF NLY 231.86 FT OF WLY 81.20 FT
Existing Zoning:	C-2
Future Land Use:	COMMERCIAL

Adjacent Zoning District

North:	Commercial -2 (C-2)
South:	Commercial -2 (C-2)
East:	Commercial-1 (C-1)
West:	Commercial-4 (C-4) & Campus Light Industrial/Commercial (CLIC) (FEC Railway)

Adjacent Existing Land Use Designation

North:	Commercial
South:	Commercial
East:	Commercial
West:	Commercial Light Industrial

REQUESTED VARIANCES

Throughout most of 2014, the Owner moved forward with the renovations of the Property for the special exception use previously approved with a respective site plan and landscape plan. The Owner took an abandoned building/structure, which it had been for many years since the old post office vacated the site, to an active structure/site. Throughout these renovations, the Owner was presented with an opportunity to purchase a neighboring (adjacent) vacant property. Realizing that this would help with the business' parking, the Owner purchased the adjacent property. In addition to purchasing the neighboring property, the Owner moved forward with the renovations of the Property which resulted in a renovation value that exceeded 50% of the assessed value of the properties due to the deteriorated state of the structure prior to its renovation. The resulting interior reconfiguration also shifted the square footage allocations of the actual office space and warehouse space, resulting in a different required parking calculation. Consequently, Mr. Howard F. Ostrout, Applicant and Agent for the Owner, 900 10th Street (Business Name: Waterfront Services, Inc./Pool Tek), submitted an application for a Special Exception Amendment in order to incorporate the newly acquired area into the overall Property and reconfigure the parking areas to accommodate the required number of parking spaces (under separate cover). Since the renovation costs exceeded 50% of the assessed value of the properties, the landscaping and architectural codes were also prompted and the Owner was required to meet ALL minimum landscaping and architectural requirements in the Town Code prior to being able to finalize the renovations permits (*the original property at 900 10th Street has a 2014 assessed value of $225,332; the newly acquired property has a 2014 assessed value of $43,443; the total renovation costs were $176,215 for interior, electrical, mechanical, plumbing, and roofing*). This resulted in the Owner hiring Mr. Ostrout's firm to assist with these added requirements. After numerous months reviewing the site's possibilities, the Owner advised staff that he was able to meet all but four codes sections and that they would subsequently be requesting four variances to the Town Code from the Planning & Zoning Board who is the sole decision maker on variance requests.

These variance requests include:

(1) To **Section 78-253(h)(1)** of the Town **Landscaping Code** which requires a minimum 8-foot wide landscape buffer around all side and rear property lines and a 15-foot wide landscape buffer along the (street) front property line (*does not apply to areas being utilized for access*). The Applicant is unable to meet the minimum buffer width requirements for the west and south property lines and is requesting a reduction to 0 feet for the west property line and 3 feet for the south property line given the previously approved special exception outdoor storage area configuration which was considered as an integral part of the applicant's operation due to their equipment and storage requirements.

(2) To Section **78-253(h)(2)** of the Town **Landscaping Code** for the same landscape buffers listed in request #1, as it relates to the minimum 1 tree per 20 linear feet of street frontage and minimum 1 tree per 40 linear feet of interior property frontage requirements. Given the 0 feet on the south side of the storage area and 3 feet on the west side (if approved), trees cannot be accommodated in these areas.

(3) To **Section 78-333(3)** of the Town's **Architectural Design Guidelines** which require facades greater than 50 feet in length to incorporate recesses and projections a minimum of 12 inches in depth along a minimum of 20 percent of the total length of the façade. The east (front) wall measures 55 feet and the north (side) wall measures 77 feet. Even though the Applicant noted that the roofline projects out 5 feet 6 inches along the east (front) façade, the building does not propose any minimum 12 inch projection along 20% of any wall plane (in other words, for a 55 foot façade, this projection would be required along 11 feet of width on the front façade which measures 55 feet along approximately 15 feet of width along the north (side) façade. The rear wall is less than 50 feet therefore is not required to have a recess/projection and the south wall already includes a recess/projection of approximately 12 feet.

(4) To **Section 78-337(3)** of the Town's **Architectural Design Guidelines** which requires the roof edge and/or parapet to have a vertical change from the dominant roof condition at a minimum of four feet, with at least one such change to be located on the primary (front) façade adjacent to the street right-of-way. While the Applicant proposes aluminum lattice panels around the rooftop mechanical equipment in an attempt to screen this equipment, the roof edge and parapet treatment code section has not been met and would serve to more appropriately screen rooftop mechanical equipment.

I. LAW ON VARIANCES.

Section 55-63 (2) of the Town Code vests the Planning and Zoning Board with final authority regarding variances. Section 78-185 of the Town Code establishes criteria which must be met to entitle an applicant to a variance. The Board must find that each of the 7 criteria have been met to entitle an applicant to the requested variance relief. The 7 criteria are that:

(1) Special conditions and circumstances exist which are peculiar to the land, structure, or building;

(2) The special conditions or circumstances are not a result of actions by the Owner/Applicant;

(3) Granting the variance will not confer on the Owner any special privilege that is denied to others;

(4) **A literal interpretation of the land development regulations would deprive the Owner of rights commonly enjoyed by other properties in the same zoning district**;

(5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure;

(6) The granting of the variance will be in harmony with the general intent and purpose of the land development regulations and will not be injurious to the area involved or otherwise detrimental to the public welfare and;

(7) Granting the variance would not be contrary to the comprehensive plan.

In evaluating these criteria, **Courts have placed emphasis on criteria # 4** above, by holding the Owner/Applicants for variance relief and the governing board evaluating the application, to the rigorous standard of whether the denial of the variance would render

the Property virtually unusable. See Bernard v. Town of Palm Beach, 569 So. 2d 853 (Fla. 4th DCA 1990).

PART I: LANDSCAPING – Applicant is requesting two (2) variances from the Town's landscaping requirements, as follows:

Variance #	Code Section	Code Requirement	Proposal
1	78-253 (h)(1)	Requires a minimum 8-foot wide landscape buffer around all side and rear property lines and a 15-foot wide landscape buffer along the (street) front property line (*does not apply to areas being utilized for access*).	**South (interior side):** Not Satisfied due to previously approved outdoor storage area with a 3-foot landscape buffer inclusive of only a hedge. **West (rear property line):** Not Satisfied due to a previously approved outdoor storage area with a 0-foot buffer along the railroad track and security fence with screening only.
2	78-253 (h)(2)	Requires a minimum 1 tree per 20 linear feet of street frontage and minimum 1 tree per 40 linear feet of interior property lines.	**South (interior side):** Not Satisfied due to previously approved outdoor storage area with a 3-foot landscape buffer inclusive of only a hedge. **West (rear property line):** Not Satisfied due to a previously approved outdoor storage area with a 0-foot buffer along the railroad track and security fence with screening only.

ANALYSIS OF CRITERIA AND FINDINGS FOR VARIANCE

***EACH** of the 7 variance criteria must be satisfied for a variance to be granted:*

CRITERIA 1: ***That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.***

When the site was previously considered for special exception use approval, this did not prompt the entire landscape code. However, the use was considered with a significant outdoor storage area that is required to be screened from public view. The security fence, mesh and landscape improvements per the original special exception approval moved forward with a 0-foot landscape strip on the west (rear) side and 3-foot landscape strip on the south side with only a hedge, in order to be able to utilize the limited land area for the Owner's outdoor storage requirements. While these same conditions exist for other parcels along

the 10th Street corridor, the Owner is the first along the corridor to propose significant improvements to beautify the property and consequently, is being subject to the full landscape code. These conditions are peculiar to the lands along the 10th Street corridor and require just consideration.

Criteria met.

CRITERIA 2: ***That the special conditions and circumstances do not result from the actions of the Applicant.***

Once again, the Owner purchased the property with the intention to renovate it and increase its value to the community. A special exception use was approved with an outdoor storage area in the rear. The Owner was obligated to spend significantly more on the renovations to the structure due to its deteriorated state and this prompted compliance with the full landscape code. This outcome did not result from the actions of the Owner/Applicant, but rather from the deteriorated state of the building which the Owner decided to invest in.

Criteria met.

CRITERIA 3: ***That granting the variance requested will not confer on the Applicant any special privilege that is denied by the Town Zoning Code to other lands, buildings or structures in the same zoning district.***

The same considerations would be given to similar properties along the 10th Street corridor that are already developed and wish to upgrade/renovate.

Criteria Met.

CRITERIA 4: ***That literal interpretation of the provisions of the Code would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the Applicant.***

The Property has been abandoned for years. The Owner purchased it with the intention to open a viable business and bring the building back online for the community, as well as give it a long overdue facelift. All properties are entitled to utilize their outdoor areas for accessory uses such as outdoor storage. Requiring the Owner to incorporate the

landscape buffers as required by Code, would deprive the Owner of this right, as previously approved under the special exception use approval when the full landscape code was not prompted.

Criteria met.

CRITERIA 5: ***That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.***

The variance request are the minimum variances that would make possible the reasonable use of land. The Applicant meets the buffer and planting requirements at the front and around the newly acquired parking area. Foundational plantings around the structure have also been incorporated.

Criteria met.

CRITERIA 6: ***That the grant of the variance will be in harmony with the general intent and purpose of the land development regulations of the Code, and the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.***

The requested landscaping variances to the south and west property lines adjacent to the outdoor storage areas will not be injurious to the area or detrimental to the public welfare. The Applicant's adherence to the front landscape buffer and around the newly acquired parking area, as well as surrounding the structure, is all in harmony with the Landscaping Code.

Criteria met.

CRITERIA 7: ***That the variance would not be contrary to the comprehensive plan of the town.***

Variances #1 and #2 are not contrary to any Goals, Objectives or Policies of the Town's Comprehensive Plan.

Criteria met.

The revised Landscape Plans and requests have been reviewed by the Town's consulting landscape architect, Jon Schmidt, who approved the proposal as well.

Part II: ARCHITECTURAL GUIDELINES - Applicant is requesting two (2) variances from the Town's Architectural Design Guidelines, as follows:

Variance #	Code Section	Code Requirement	Proposal
3	78-333(3)	Facades greater than fifty (50) feet in length shall incorporate recesses and projections a minimum of twelve (12) inches in depth along a minimum of twenty percent (20%) of the total length of the façade. The recesses or projections shall be distributed along the façade with a maximum spacing of one hundred (100) feet between each recess or projection.	No recesses and projections are being proposed along the east (front) or north (side) facades.
4	78-337(3)	A minimum of two locations, the roof edge and/or parapet, shall have a vertical change from the dominant roof condition at a minimum of four feet.	No changes at a minimum of four feet are proposed at roof edge.

ANALYSIS OF CRITERIA AND FINDINGS FOR VARIANCE

***EACH** of the 7 variance criteria must be satisfied for a variance to be granted:*

CRITERIA 1: ***That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.***

While Section 78-333(3) and Section 78-337(3) are more appropriately applied to new constructions, only the north wall is peculiar in that it sits adjacent to a required drive aisle which provides the only circulation in and out of the property. A recess/projection along a minimum of 20% of this north wall is unfeasible and would cut into the access drive, therefore, **Criteria 1 has been MET for Section 78-333(3) as it relates to the north wall**. However, the east (front)

wall, as well as the overall roof edge, can feasibly incorporate the required front wall recess/projection per Section 78-333(3) and vertical change requirements per Section 78-337(3).

Criteria NOT met for Section 78-333(3) EAST (front) wall only and Section 78-337(3).

CRITERIA 2: ***That the special conditions and circumstances do not result from the actions of the Applicant.***

The Owner acquired an existing building that required an extensive amount of renovations due to its deteriorated state. This resulted in a renovation value of greater than 50% of the assessed value of the Property and consequently prompted full compliance with the landscaping and architectural codes.

Criteria Met.

CRITERIA 3: ***That granting the variance requested will not confer on the Applicant any special privilege that is denied by the Town Zoning Code to other lands, buildings or structures in the same zoning district.***

In an attempt to promote the redevelopment of property in the Town, these types of requests would be considered and could be applied for by other properties in Town that were developed years ago, under different codes.

Criteria Met.

CRITERIA 4: ***That literal interpretation of the provisions of the Code would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the Applicant.***

A literal interpretation of these architectural design guidelines would create undue hardship on the Owner that will be a financial hardship due to the increased expenses that have already been incurred with the renovations. This will deprive the Applicant of being able to successfully operate their business and would deprive them of this right that is commonly enjoyed.

Criteria Met.

CRITERIA 5: ***That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.***

From a financial perspective, the two variances requested would be the minimum variances which could be granted that would allow the Owner to carry forth with their business operation. The remaining architectural design guidelines in the Code have been satisfied (even if at a minimum level).

Criteria Met.

CRITERIA 6: ***That the grant of the variance will be in harmony with the general intent and purpose of Code Section and the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.***

The requested variances would not be in harmony with the general intent and purpose of the Code. Just the contrary, granting the variances eviscerates the Code. Therefore, granting the variances would be injurious in that the property would not provide the required aesthetic improvements pursuant to the code requirements, but for financial reasons. However, **Criteria 6 has been MET for Section 78-333(3) as it relates to the north wall considering the drive aisle requirement in the Town Code which safeguards the public safety and public welfare by providing a required access drive.**

Criteria NOT met for Section 78-333(3) EAST (front) wall only and Section 78-337(3).

CRITERIA 7: ***That the variance would not be contrary to the comprehensive plan of the town.***

OBJECTIVE 7: The Town recognizes the benefits of unified architectural and design standards. The Town shall continue to develop, maintain, revise and enforce these standards as appropriate.

The requested variances are contrary to Objective 7 of the Future Land Use Element of the Town's Comprehensive Plan. The intent of this Objective is to uniformly apply the Town's Architectural Guidelines to all new and substantially renovated non-residential development. Granting variances to the Town's Architectural Guidelines would be inconsistent with the enforcement intent of this objective in the Town's Comprehensive Plan. In this case, it is appropriate to

enforce, but for financial reasons. However, it is not appropriate to enforce Section 78-337(3) to the north wall given the location of the drive aisle therefore, ***Criteria 7 has been MET for Section 78-333(3) as it relates to the north wall****.*

Criteria NOT met for Section 78-333(3) EAST (front) wall only and Section 78-337(3).

PART III: STAFF'S RECOMMENDATION

Staff recommends **APPROVAL** of variance requests #1 and #2 from **Section 78-253(h)(1)** and **Section 78-253(h)(2)** for the perimeter landscape buffer and planting requirements along the south and west sides.

Staff recommends **APPROVAL** of variance request #3 as it relates to **Section 78-333(3)** for the north wall due to driveway aisle/circulation requirements, however recommends **DENIAL** of variance request #4 as it relates to **Section 78-333(3)** for the east (front) wall and **Section 78-337(3)** for the minimum of two roof edge vertical changes of a minimum of 4 feet.

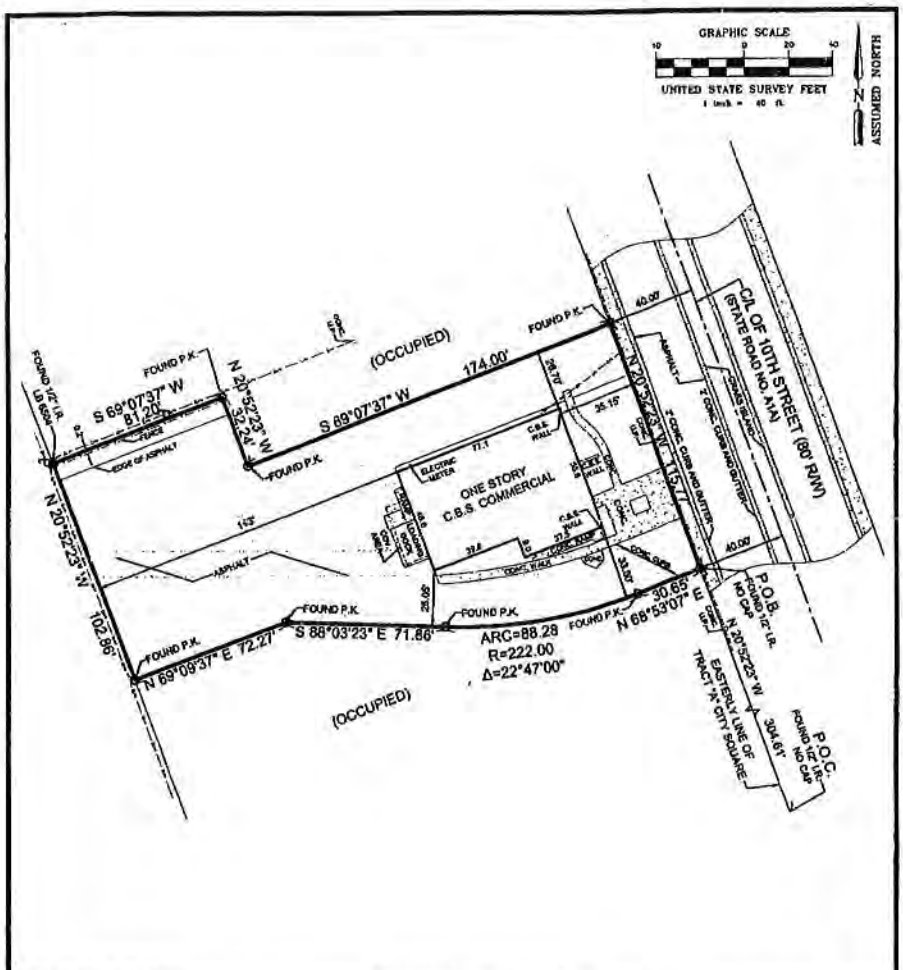
in light of this partial recommendation of denial as listed, staff is proposing condition of approval #4 for the special exception amendment application being presented under separate cover

SUMMARY: Staff is required to take a conservative approach when applying the variance criteria to the request. Even though staff is required to recommend denial if, when using this strict approach, not all the criteria can be met, staff does understand that the Planning & Zoning Board has the final decision on variance requests. The Owner in this case is a victim of his own efforts. Essentially, in an attempt to revive an abandoned building, the Owner was prepared to invest a significant amount of money to retrofit the building. The original special exception use approval and respective site plan and landscape plan, served to enhance the property with additional landscaping and paved improvements however, this original application was not subject to the full landscaping or architectural code. It was only when the renovation work commenced that the Owner was obliged spend three times as much money as was initially budgeted due to the deteriorated state of the building. These renovation costs exceeded 50% of the assessed value of the property and therefore prompted full compliance with the landscaping and architectural codes. This required the Owner to further invest in a landscape architect and building architect in order to determine which additional

improvements could be incorporated in order to meet the various code requirements. Certain landscaping improvements as listed require additional land area and reconfiguration of a much-needed and already approved outdoor storage area therefore, these landscaping-related variance requests better meet all the variance criteria and a recommendation of approval is being offered. The architectural design variance requests related to Section 78-333(3) for the north wall meet all the criteria and a recommendation of approval is being offered. However, Section 78-333(3) for the east (front) wall and Section 78-337(3) have a difficult time meeting some of the variance criteria therefore, staff is required to recommend denial. With this being said, incorporating these added recesses/projections and roof edge vertical changes will likely require significant reconstruction of the facades and while it may be possible, the Owner does affirm that it is financially unfeasible and may present a huge impetus to their business and create an irreparable financial burden that would create undue hardship and deprive their right to enjoy the use of their property for their business operation. The Planning & Zoning Board may certainly consider this aspect prior to making a decision of approval or denial since this is not a new construction and the circumstances being presented are unique. In addition, Courts have placed emphasis on criteria # 4 *(that literal interpretation of the provisions of the Code would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the Applicant)* by holding the Owner/Applicants for variance relief and the governing board evaluating the application, to the rigorous standard of whether the denial of the variance would render the Property virtually unusable. Even though other criteria has not been met according to the staff report, criteria #4 has been met and should be strongly considered.

Exhibit "A"

Legal Description and Survey



BOUNDARY SURVEY

PHOTOCOPYING PROHIBITED © 2013

LEGAL DESCRIPTION (As furnished by client)

LEGAL DESCRIPTION ON REVERSE AND MAD A PART HEREOF.

FOR REFERENCE ONLY NOT A VALID SURVEY UNLESS SEALED WITH MY EMBOSSED SEAL AND SIGNED BY ME.

NOTES:

1. 100 YEAR FLOOD, 2 YEAR IN HOUR RAIN DATA NOT AVAILABLE.
2. WRITTEN DIMENSION TAKE PRECEDENT OVER SCALED DIMENSIONS. DISTANCES ARE NOT TO BE SCALED FOR CONSTRUCTION AND/OR DESIGN PURPOSES.
3. FIELD MEASUREMENTS, PLAT MEASUREMENTS AND DEED MEASUREMENTS ARE CONCURRENT UNLESS OTHERWISE SPECIFICALLY STATED ON THIS SURVEY.
4. NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED AS PART OF THIS SURVEY, UNLESS SHOWN OR MADE NOTE OF HEREON.
5. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAY AND/OR OWNERSHIP HAVE BEEN FURNISHED THIS SURVEYOR, EXCEPT AS SHOWN.
6. ENCROACHMENTS, IF ANY ARE SHOWN HEREON.
7. BEARING SHOWN HEREON REFER TO THE RECORDED PLAT AS STATED IN DESCRIPTION ABOVE.
8. THE EASTERLY LINE OF TRACT "A" CITY SQUARE HAS A PLAT BEARING OF N 20°52'23" W AND ALL OTHER BEARINGS SHOWN HEREON REFER THERETO.
9. ELEVATIONS, IF ANY, SHOWN HEREON REFER TO NATIONAL GEODETIC VERTICAL DATUM (1929) WHERE MEAN SEA LEVEL IS 000.
10. THIS SURVEY IS NOT TRANSFERABLE BY OWNERS AFFIDAVIT OF SURVEY OR SIMILAR INSTRUMENT.
11. THIS SURVEY IS VALID IN ACCORDANCE WITH F.S. 827.7842, FOR A PERIOD OF 90 DAYS FROM THE DATE OF CERTIFICATION.
12. THIS SURVEY MEETS THE [illegible] FOR SUBURBAN SURVEYS. RELATIVE PRECISION IS GREATER THAN 1 FOOT IN [illegible]
13. ADDITIONS OR [illegible] SUCH REPORT BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
14. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

FEB. 12, 2013
STATE OF FLORIDA

ROBERT D. WHITEHEAD, PROFESSIONAL SURVEYOR AND MAPPER, FOR FIELD WITHOUT MY SIGNATURE AND MY ORIGINAL RAISED SEAL.
THE SURVEY DEPICTED HEREON IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE

LEGEND:

TRIANGLE
Land Surveying, Inc.
Surveying to Specification
LB # 2992

5483 Royal Palm
Beach Boulevard
W. Palm Beach, FL 33412
561.798-3966 (phone)
561.791-8777 (fax)
triangle2992@gmail.com

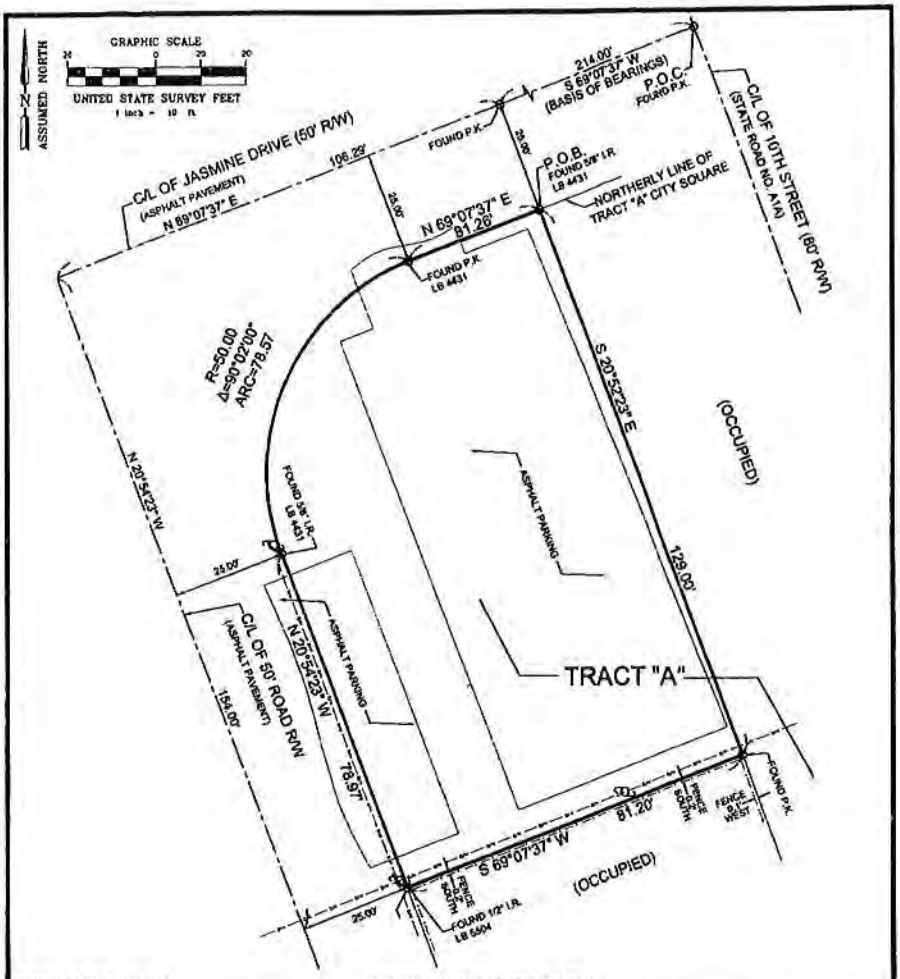
SURVEY PREPARED FOR EXCLUSIVE USE OF:
ORLANDO J. SPADO

FIELD DATE: FEBRUARY 12, 2013	SCALE: 1" = 40'	ADDRESS: 900 10TH STREET LAKE PARK, FL 33403
REVISED:	DRAWN BY: CFC	
JOB ORDER NO.: 18459	F.B. PG. CRG 3-9	

LEGAL DESCRIPTION:

A PARCEL OF LAND IN LAKE PARK (FORMERLY KELSEY CITY), PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF TRACT "A", PLAT OF CITY SQUARE, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 27, PAGES 192 AND 193, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE ANGLE POINT IN THE EASTERLY LINE OF SAID TRACT "A", RUN NORTHWESTERLY, ALONG SAID EASTERLY LINE (ALSO BEING THE WESTERLY RIGHT-OF-WAY LINE OF 10TH STREET STATE ROAD NO. A1A), A DISTANCE OF 304.61 FEET TO THE POINT OF BEGINNING AND THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE CONTINUE NORTHWESTERLY, ALONG SAID EASTERLY LINE OF TRACT "A", A DISTANCE OF 115.77 FEET TO A POINT IN A LINE PARALLEL TO AND 161.23 FEET SOUTHERLY FROM, MEASURED AT RIGHT ANGLES, TO THE NORTH LINE OF SAID TRACT "A"; THENCE SOUTHWESTERLY, ALONG SAID PARALLEL LINE, A DISTANCE OF 174.00 FEET TO A POINT; THENCE NORTHWESTERLY AT RIGHT ANGLES TO THE PRECEDING COURSE FOR A DISTANCE OF 32.24 FEET TO A POINT; THENCE SOUTHWESTERLY, ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID TRACT "A" AND 129 FEET SOUTHERLY THEREOF, MEASURED AT RIGHT ANGLES TO, FOR A DISTANCE OF 81.20 FEET TO A POINT IN THE WESTERLY LINE OF SAID TRACT "A"; THENCE SOUTHEASTERLY, ALONG SAID WESTERLY LINE, A DISTANCE OF 102.86 FEET; THENCE NORTHEASTERLY, MAKING AN ANGLE WITH THE PRECEDING COURSE OF 90°02'00", MEASURED FROM NORTHWEST TO NORTHEAST, A DISTANCE OF 72.27 FEET; THENCE EASTERLY, MAKING AN ANGLE WITH THE PRECEDING COURSE OF 157°13'00", MEASURED FROM WEST THROUGH SOUTH TO EAST, A DISTANCE OF 71.86 FEET, TO THE BEGINNING OF A CURVE, CONCAVE TO THE NORTH, HAVING A RADIUS OF 222 FEET AND A CENTRAL ANGLE OF 22°47'00"; THENCE EASTERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 88.28 FEET TO THE END OF SAID CURVE; THENCE EASTERLY, ALONG THE TANGENT TO SAID CURVE, A DISTANCE OF 30.65 FEET TO THE POINT OF BEGINNING.



BOUNDARY SURVEY

PHOTOCOPYING PROHIBITED © 2014

LEGAL DESCRIPTION (As furnished by client)

DESCRIPTION ON REVERSE AND MADE A PART HEREOF.

FOR REFERENCE ONLY NOT A VALID SURVEY UNLESS SEALED WITH MY EMBOSSED SEAL AND SIGNED BY ME.

NOTES:

1. 100 YEAR FLOOD, 3 YEAR 24 HOUR RAIN DATA NOT AVAILABLE.
2. WRITTEN DIMENSION TAKE PRECEDENT OVER SCALED DIMENSIONS. DISTANCES ARE NOT TO BE SCALED FOR CONSTRUCTION AND/OR DESIGN PURPOSES.
3. FIELD MEASUREMENTS, PLAT MEASUREMENTS AND DEED MEASUREMENTS ARE CONCURRENT UNLESS OTHERWISE SPECIFICALLY STATED ON THIS SURVEY.
4. NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED AS PART OF THIS SURVEY, UNLESS SHOWN OR MADE NOTE OF HEREON.
5. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAY AND/OR OWNERSHIP HAVE BEEN FURNISHED THIS SURVEYOR, EXCEPT AS SHOWN.
6. ENCROACHMENTS, IF ANY ARE SHOWN HEREON.
7. BEARING SHOWN HEREON REFER TO THE RECORDED PLAT AS STATED IN DESCRIPTION ABOVE.
8. CENTERLINE OF JASMINE DRIVE HAS A PLAT BEARING OF N 69°07'37" E AND ALL OTHER BEARINGS SHOWN HEREON REFER THERETO.
9. ELEVATIONS, IF ANY, SHOWN HEREON REFER TO NATIONAL GEODETIC VERTICAL DATUM (1929) WHERE MEAN SEA LEVEL IS 0.00.
10. THIS SURVEY IS NOT TRANSFERABLE BY OWNERS AFFIDAVIT OF SURVEY OR SIMILAR INSTRUMENT.
11. THIS SURVEY IS VALID IN ACCORDANCE WITH F.S. 627.7842, FOR A PERIOD OF 90 DAYS FROM THE DATE OF CERTIFICATION.
12. THIS SURVEY MEETS PRECISION REQUIREMENTS FOR SUBURBAN SURVEYS. RELATIVE PRECISION IS GREATER THAN 1 FOOT IN 10 THOUSAND.
13. ADDITIONS OR DELETIONS TO THIS SURVEY MAP AND/OR REPORT BY OTHER THAN THE SIGNING PARTY OR PARTIES ARE PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
14. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

ROBERT [illegible] 5524 STATE OF FLORIDA
SEPT. 03, 2014

ROBERT [illegible] NOT VALID WITHOUT MY SIGNATURE AND MY ORIGINAL RAISED SEAL
THE SURVEY REPORTED HEREON IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE

LEGEND:

TRIANGLE
Land Surveying, Inc.
Surveying to Specification
LB # 2992

6483 Royal Palm Beach Boulevard
W. Palm Beach, FL 33412
561.798-3966 (phone)
561.791-8777 (fax)
triangle2992@gmail.com

SURVEY PREPARED FOR EXCLUSIVE USE OF:
WATERFRONT SERVICES, INC.
ORLANDO J. SPADO

FIELD DATE:	SCALE: 1" = 20'	ADDRESS: VACANT LAND
REVISED:	DRAWN BY: CFC	
JOB ORDER NO.: 18962	F.B. PG. CRG 8-44	

DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF TRACT "A", ACCORDING TO THE PLAT OF CITY SQUARE, AS RECORDED IN PLAT BOOK 27, PAGES 192 AND 193, PBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MOARE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE CENTERLINE OF 10TH STREET AND WEST JASMINE DRIVE; THENCE WESTERLY, ALONG THE CENTERLINE OF WEST JASMINE DRIVE, A DISTANCE OF 214.00 FEET TO A POINT; THENCE SOUTHERLY, AT A RIGHT ANGLE TO THE PRECEDING COURSE, A DISTANCE OF 25.00 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT "A", SAID POINT BEING THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL; THENCE CONTINUE SOUTHERLY, ALONG THE PRECEDING COURSE, A DISTANCE OF 129.00 FEET TO A POINT; THENCE WESTERLY AT A RIGHT ANGLE TO THE PRECEDING COURSE, A DISTANCE OF 81.20 FEET TO A POINT ON THE WESTERLY LINE OFSAID TRACT "A";; THENCE, MAKING AN ANGLE WITH THE PRECEDING COURSE OF 90°02'00", AS MEASURED FROM EAST TO NORTH, A DISTANCE OF 78.97 FEET ALONG THE WESTERLY LINE OF SAID TRACT "A" TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF 90°02'00"; THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 78.57 FEET TO THE POINT OF TANGENCY; THENCE ALONG THE NORTH LINE OF SAID TRACT "A", A DISTANCE OF 31.26 FEET TO THE POINT OF BEGINNING.

Community

APR 16 2015

Developments

The Town of

Lake Park

TOWN OF LAKE PARK
APPLICATION FOR ZONING VARIANCE

Please note: The process to consider a variance of the Town's zoning code is governed by the Town of Lake Park Code of Ordinances, Chapter 32 - Rezoning and Chapter 33 - Land Development Regulations and provisions of other chapters in the Code. It is suggested that applicants schedule a meeting with the Town of Lake Park Community Development Director to discuss the information needed.

DATE Received by Town of Lake Park: _____

This application must be completed and returned with all required enclosures to be accepted by the Town Commission of t the Town of Lake Park. The application will then be referred to the Town Zoning Board of Adjustment and the Town Staff for study and recommendations.

(Please Print)

Name of Applicant (property owner): Orlando Spado (900 10th Street ,LLC)
Name of Agent (if applicable): Howard F. Ostrout Jr.
(Required to attach Town of Lake Park Agent Authorization Form)
Mailing Address 900 10th Street
(This is the address to which all letters, agendas and other materials will be sent)
City Lake Park State Florida Zip Code 33403
Telephone (561) 386-4433 Fax (561) 744-1495
Legal description of property covered by petition -- See attached surveys and legal descriptions
Lot _____ Block _____ Plat _____ (Attach separate sheet if necessary)
Property I. D. No. 36-43-42-20-06-001-0020

GENERAL INFORMATION ABOUT PROPERTY AND REQUEST

1. Size of property (square feet or acreage): 36,298 SF (.833 AC)
2. Highway and street boundaries or address: 900 10th Street
   Lake Park, Florida 33403
3. Existing Zoning District classification: C-2
4. Variance Requested See attached
5. Describe any structures or uses currently located on the property:
   Office and Warehouse 3,961 SF Building
   (2,800 SF office, 1,161 SF warehouse)

THE INFORMATION/ENCLOSURES LISTED BELOW AND ON THE FOLLOWING PAGE(S) MUST BE SUBMITTED IN CONJUNCTION WITH THIS APPLICATION.

6. Specific Information on Requested Variance

7.

[✓] Map showing property subject to this application.
[✓] Ten (10) copies of Site Plan(s), if necessary
[ ] Building plans of structures to be erected
[✓] Certified survey of property
[✓] Notarized Town of Lake Park Agent Authorization Form signed by property owner authorizing Agent to act on behalf of owner to submit application for Variance, if applicable

8. Applicant's statement of explanation, needs and reasons for the requested changes, which addresses the following items (Attach additional sheets as necessary):

a. Explain the special conditions or circumstances that exist that are peculiar to the land, structure, or building involved and which are not applicable to other land, structures, or buildings in the zoning district:

See Attached

b. Explain how the special conditions or circumstances that exist do not result from the actions of the Applicant:

See Attached

c. Explain how the literal interpretation of the provisions of the Zoning Code would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the Applicant:

See Attached

d. Explain how the variance requested is the minimum variance that will make possible a reasonable use of the land, building or structure:

See Attached

e. Explain how the granting of the requested variance will not confer on the Applicant any special privilege that is denied by the Zoning Code to other properties in the same zoning district :

See Attached

f. Explain how the grant of the requested variance will be in harmony with the general intent and purpose of the Zoning code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare:

See Attached

Application for Zoning Variance

900 10th Street
Lake Park, Florida 33403

4. Variances Requested.

   A. Section 78-253 (h)(1)
   Minimum 8' wide landscape buffer around the side and rear property lines and 15' wide along the front and road right-of-ways.

   B. Section 78-253 (h)(2) minimum of 1 tree per 20 linear feet of street frontage and 1 tree per 40 linear feet of interior property lines.

   C. Section 78-333 (3). Facades greater than 50 feet in length shall incorporate recesses and projections a minimum of 12 inches in depth along a minimum of 20 percent of the total length of the façade.

   D. Section 78-337 (3). A minimum of two locations, the roof edge and/or parapet shall have a vertical change from the dominant roof condition a minimum of four feet. At least one such change shall be located on a primary façade adjacent to the street or right-of-way.

8. Applicant's statement of explanation, needs and reasons for the requested changes, which addresses the following items.

   (a). Explain the special conditions or circumstances that exist that are peculiar to the land, structure, or building involved and which are not applicable to other land, structures, or buildings in the zoning district:

      (A). The location of the requested variance is to the west and south of the material and equipment storage area. In a previous Special Exception Use Approval, the 3 foot wide landscape buffer on the south side of the material equipment storage area and no landscape buffer on the west side of the material and equipment and storage area was approved. Based on that approval, a commercial grade 6 foot high security fence and screening was installed. We are requesting a variance to the 8 foot wide landscape buffer on the south side of the material and equipment storage yard to the

3 foot wide landscape buffer that was previously approved and installed. Additionally, we are asking for a variance on the west side of the material and equipment storage area from a 15 foot wide landscape buffer to a 3 foot wide landscape buffer with a screen hedge planting.

(B). The location of the requested variance is the same in (A) above, the west and south side of the material and equipment and storage yard. Similar to (A) above the applicant received a Special Exception Use Approval without trees within the buffer areas. Based on that approval, a 6 foot high commercial grade security fence and screening was installed. The applicant is proposing to provide a 3 foot planting area on the west side of the material and equipment and storage yard to be planted with a native Coco Plum hedge to provide additional screening. We are requesting a variance to the tree requirement in these locations as previously granted in the Special Exception Use Approval as significant funds have been expended to install the security fencing.

(C). The location of this variance request for this section is at the front (east side) and right side (north side) of the building. The existing structure was the old post office building with straight building facades greater than 50 feet in length on the front (55 feet) and north side (77 feet). The front of the building does have a 5'-6" roof projection along the entire façade which could be considered a projection under this section of the code. Being an existing building with reinforced masonry walls, it would be too costly to create a 12 inch or greater change for 20% of the wall plane. It should also be noted that the existing elevations were approved in the previous Special Exception Use Approval.

and a second location.

(D). The location of this variance request is along the front (east) elevation. The architectural design reflects a minimalist modern architecture which is going to be enhanced with architectural features as shown in the proposed elevations. The two air conditioning units will be screened with aluminum lattice surrounds which will visually breakup the roof line. The application of parapets is not in keeping with the simple clean lines of the existing structure and would add an additional financial burden on the owner.

(b). Explain how the special conditions or circumstances that exist do not result from the actions of the Applicant:

(A). These conditions exist based on a previous Special Exception Use Approval and building permits and the improvements were installed accordingly.

(B). These conditions exist based on a previous Special Exception Use Approval and building permits and the improvements were installed accordingly.

(C). The configuration of the front and right side elevation is an existing condition of the existing structure and was renovated with new roofing and windows as per a previous Special Exception Use Approval and building permits.

(D). The roof profile and eave projection is an existing condition of the building structure and its renovation was approved in a previous Special Exception Use Approval and building permits.

(c). Explain how the literal interpretation of the provisions of the Zoning Code would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the Applicant:

(A) And (B). The Applicant installed improvements including the 6 foot high commercial grade chain link security fencing and screening along with lighting and security cameras as per a previous Special Exception Use Approval and building permits. The Applicant would have to demolish the previously approved improvements to create the buffer widths and install buffer trees in this area.

(C). The Applicant would have to demolish and/or add to significant portions of the existing front and right side walls of the building that he has already expended significant amounts of money improving the interiors and exteriors. Additionally, the Applicant proposes to expend an additional large sum of money to install the architectural enhancements as shown in the proposed building elevations.

(D). The literal interpretation of the section (and second location) of the code requiring the construction of parapets along the front elevation would be a significant financial burden on the Applicant for an existing structure that a parapet does not seem to add to the architectural character or perceived

value of the building. There are many other flat roofed buildings in the area that have been and are being renovated that are not being required to meet this provision of the code.

(d). Explain how the variance requested is the minimum variance that will make possible a reasonable use of the land, building or structure:

(A) and (B). Because of the previous Special Exception Use Approval and building permits, significant improvements have been installed along with the existing 3 foot planting strip on the south side of the material and equipment storage area. The proposed 3 foot planting area on the west side of the material and equipment storage area is what is possible to install which will allow the planting of a Coco Plum hedge to provide additional screening of the security fencing.

(C) And (D). The variance requested is the minimum variance that will make possible a reasonable use of the building. Because the building structure is existing and improvements have been made to the building consistent with the previous Special Exception Use Approval and building permits, it would be too costly to reconstruct the building to meet these code requirements.

(e). Explain how the granting of the requested variance will not confer on the Applicant any special privilege that is denied by the Zoning Code to other Properties in the same zoning district:

(A) and (B). The granting of these requested variances will not confer on the Applicant any special privilege that is denied by the Zoning Code to other properties in the same zoning district. Because the circumstance which creates a need for these requested variances were granted under a previous Special Exception Use Approval and significant investment was expended consistent with that approval and the plantings of additional hedge materials creating a further buffering to adjacent properties, the Applicant will not be receiving any special privilege by this approval that for which other properties in the district with the same circumstances could apply.

(C) and (D). The granting of these requested variances will not confer on the Applicant any special privilege that is denied by the Zoning Code to other properties in the same zoning district. Because the variances requested are for an existing building the same remedies would be available to properties within the same zoning district with similar circumstances.

(f). Explain how the grant of the requested variance will be in harmony with the general intent and purpose of the Zoning code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare:

(A), (B), (C), (D). The requested variance is in harmony with the general intent and purpose of the Zoning Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The rest of the property will meet all the landscape requirements with hedging and shade trees with the limited area around the material and equipment storage area being buffered with additional hedge screening. The location of the material and equipment storage area is at the southwest corner of the property with the railroad tracks that are elevated on a berm to the west and a commercial building and parking area to the south. There are no properties to the west that can see this part of the property because of the elevated railroad tracks and from the south because of the adjacent commercial building. The two variances related to the building façade are not significant and will not be injurious to the neighborhood or otherwise detrimental to the public welfare because of the fact that the building has been existing for many years and, also, the significant amount of architectural ornamentation that is proposed to be added which will enhance the architectural appeal of the building.

(g) * all are consistent with Comp Plan *

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, Orlando J. Spado, have read and understand the regulations above regarding cost recovery.

Signature of Property Owner — Date: 4-16-15

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

Agent Authorization Letter

March 19, 2015

Town of Lake Park, Community Development Department
535 Park Avenue
Lake Park, FL 33403

Attention: Ms. Nadia Di Tommaso
Community Development Director

With this letter, I authorize you to recognize Howard F. Ostrout Jr. with Howard F. Ostrout Jr. and Associates, LLC as my Agent, and acting in my behalf may sign for development approval applications (including Special Exception and Zoning Variance) for the property at 900 10th Street, Lake Park, Florida 33403.

By my signature, I recognize and approve the submittal of a Special Exception and/or Zoning Variance application for this property.

Signature
Orlando Spado
Name
Member, 900 10th Street, LLC.
Title
4-16-15
Date

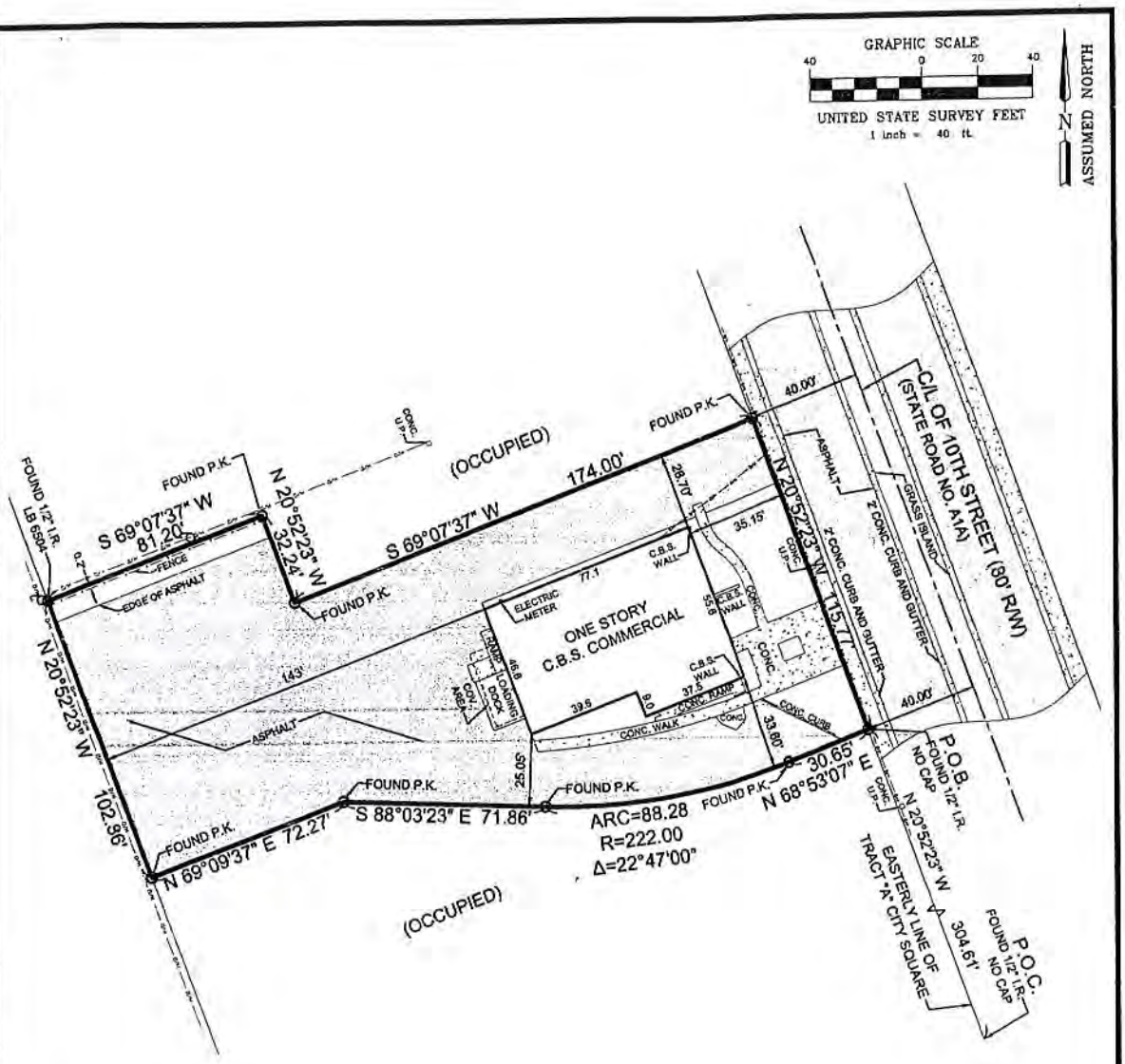
STATE OF FLORIDA
COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me this 16th day of April 2015, by (name of person acknowledging). Orlando Spado.

(Signature of Notary Public-State of Florida) Jessica L Walden
(NOTARY SEAL) (Name of Notary Typed, Printed, or Stamp)

Personally Known X OR Produced Identification_____
Type of Identificaiton Produced

JESSICA L. WALDEN
Notary Public - State of Florida
My Comm. Expires Nov 8, 2016
Commission # EE 850192



BOUNDARY SURVEY

PHOTOCOPYING PROHIBITED © 2013

LEGAL DESCRIPTION (As furnished by client)

LEGAL DESCRIPTION ON REVERSE AND MAD A PART HEREOF.

FOR REFERENCE ONLY NOT A VALID SURVEY UNLESS SEALED WITH MY EMBOSSED SEAL AND SIGNED BY ME.

NOTES:

1. 100 YEAR FLOOD, 3 YEAR 24 HOUR RAIN DATA NOT AVAILABLE.
2. WRITTEN DIMENSION TAKE PRECEDENT OVER SCALED DIMENSIONS. DISTANCES ARE NOT TO BE SCALED FOR CONSTRUCTION AND/OR DESIGN PURPOSES.
3. FIELD MEASUREMENTS, PLAT MEASUREMENTS AND DEED MEASUREMENTS ARE CONCURRENT UNLESS OTHERWISE SPECIFICALLY STATED ON THIS SURVEY.
4. NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED AS PART OF THIS SURVEY, UNLESS SHOWN OR MADE NOTE OF HEREON.
5. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAY AND/OR OWNERSHIP HAVE BEEN FURNISHED THIS SURVEYOR, EXCEPT AS SHOWN.
6. ENCROACHMENTS, IF ANY ARE SHOWN HEREON.
7. BEARING SHOWN HEREON REFER TO THE RECORDED PLAT AS STATED IN DESCRIPTION ABOVE.
8. THE EASTERLY LINE OF TRACT "A" CITY SQUARE HAS A PLAT BEARING OF N 20°52'23" W AND ALL OTHER BEARINGS SHOWN HEREON REFER THERETO.
9. ELEVATIONS, IF ANY, SHOWN HEREON REFER TO NATIONAL GEODETIC VERTICAL DATUM (1929) WHERE MEAN SEA LEVEL IS 0'00.
10. THIS SURVEY IS NOT TRANSFERABLE BY OWNERS AFFIDAVIT OF SURVEY OR SIMILAR INSTRUMENT.
11. THIS SURVEY IS VALID IN ACCORDANCE WITH F.S. 627.7842, FOR A PERIOD OF 90 DAYS FROM THE DATE OF CERTIFICATION.
12. THIS SURVEY MEETS PRECISION REQUIREMENTS FOR SUBURBAN SURVEYS. RELATIVE PRECISION IS GREATER THAN 1 FOOT IN 7500 FEET.
13. ADDITIONS OR DELETIONS TO THIS SURVEY AND/OR REPORT BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
14. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

ROBERT D. WHITEHEAD
Professional Surveyor and Mapper
STATE OF FLORIDA
FEB. 12, 2013

ROBERT D. WHITEHEAD NOT VALID WITHOUT MY SIGNATURE AND MY ORIGINAL RAISED SEAL.
THE SURVEY DEPICTED HEREON IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE

LEGEND:

A/C = AIR CONDITIONING PAD	= EXISTING ELEVATION	P.B. = PLAT BOOK
C = CENTRAL ANGLE/DELTA	= PROPOSED ELEVATION	P.O.B. = POINT OF BEGINNING
= SOIL TEST SITE		P.O.C. = POINT OF COMMENCEMENT
= BENCHMARK SYMBOL	= FIRE HYDRANT	P.C. = POINT OF CURVATURE
ASPH = ASPHALT	CM = CONCRETE MONUMENT	P.R.M. = PERMANENT REFERENCE MONUMENT
BM = BENCHMARK	F.F. = FINISH FLOOR	PG. = PAGE
= CABLE TELEVISION BOX	I.R. = IRON ROD	PLTR. = PLANTER
= CALCULATED	N & T.T. = NAIL & TIN TAG	PORL. = PORCH
C.B.S. = CONCRETE BLOCK STRUCTURE	P.K. = P.K. NAIL	PROP. = PROPOSED
C.L.F. = CHAIN LINK FENCE	I.P. = IRON PIPE	R = RADIUS
C.M.P. = CORRUGATED METAL PIPE	= HOG FUEL/FIELD FENCING	R.C.P. = REINFORCED CONCRETE PIPE
= CENTERLINE	= LIGHT POLE	R/W = RIGHT OF WAY
CONC. = CONCRETE	L.B. = LICENSED BUSINESS	S/F I.R. = SET IRON ROD AND CAP #2992
COV. = COVERED	M.F. = FIELD MEASUREMENT	SQ.F. = SQUARE FEET
D = DESCRIPTION	M.H. = MANHOLE	P.K. = PARKER-KALON NAIL AND DISK
D.B. = DEED BOOK	M.M. = MASS IRON	S.T. = SEPTIC TANK
D.E. = DRAINAGE EASEMENT	MONT. = MONUMENT	SCRN. = SCREEN
D.U.E = DRAINAGE AND UTILITY EASEMENT	= MINIMUM	= TELEPHONE RISER BOX
D.F. = DRAIN FIELD	N.D. = NAIL AND DISK	TYP. = TYPICAL
ENCR. = ENCROACHMENT	O.B. = OUTSIDE DIAMETER	U.E. = UTILITY EASEMENT
ENCL. = ENCLOSURE	O.R.B. = OFFICIAL RECORD BOOK	= UTILITY POLE (POWER OR TELEPHONE)
ESMT. = EASEMENT	OH = OVERHEAD UTILITY LINE	= WASHER
EXT'G. = EXISTING	P.C.P. = PERMANENT CONTROL POINT	W.C. = WITNESS CORNER
= ELEVATION	P.I. = PLAT DIMENSION	W.F. = WOOD FENCE
= ELECTRICAL PANEL		= WATER METER

TRIANGLE
Land Surveying, Inc.
Surveying to Specification
LB # 2992

6483 Royal Palm
Beach Boulevard
W. Palm Beach, FL 33412
561.798-3966 (phone)
561.791-8777 (fax)
triangle2992@gmail.com

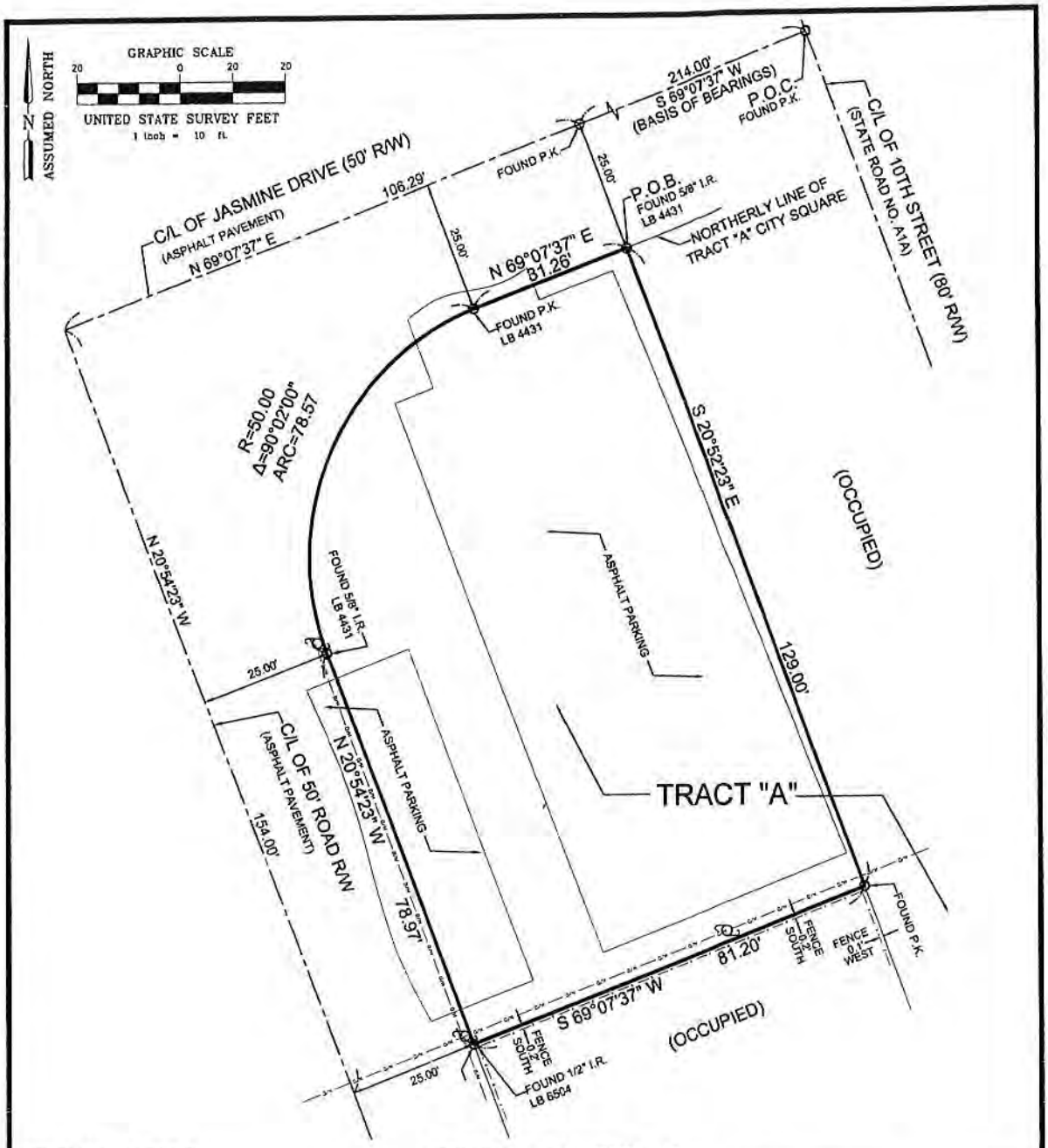
SURVEY PREPARED FOR EXCLUSIVE USE OF:
ORLANDO J. SPADO

FIELD DATE: (COPYRIGHTED MATERIAL ©) FEBRUARY 12, 2013	SCALE: 1" = 40'	ADDRESS: 900 10TH STREET LAKE PARK, FL 33403
REVISED:	DRAWN BY: CFC	
JOB ORDER NO.: 18459	F.B. PG. CRG 3-9	

LEGAL DESCRIPTION:

A PARCEL OF LAND IN LAKE PARK (FORMERLY KELSEY CITY), PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF TRACT "A", PLAT OF CITY SQUARE, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 27, PAGES 192 AND 193, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE ANGLE POINT IN THE EASTERLY LINE OF SAID TRACT "A", RUN NORTHWESTERLY, ALONG SAID EASTERLY LINE (ALSO BEING THE WESTERLY RIGHT-OF-WAY LINE OF 10TH STREET STATE ROAD NO. A1A), A DISTANCE OF 304.61 FEET TO THE POINT OF BEGINNING AND THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE CONTINUE NORTHWESTERLY, ALONG SAID EASTERLY LINE OF TRACT "A", A DISTANCE OF 115.77 FEET TO A POINT IN A LINE PARALLEL TO AND 161.23 FEET SOUTHERLY FROM, MEASURED AT RIGHT ANGLES, TO THE NORTH LINE OF SAID TRACT "A"; THENCE SOUTHWESTERLY, ALONG SAID PARALLEL LINE, A DISTANCE OF 174.00 FEET TO A POINT; THENCE NORTHWESTERLY AT RIGHT ANGLES TO THE PRECEDING COURSE FOR A DISTANCE OF 32.24 FEET TO A POINT; THENCE SOUTHWESTERLY, ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID TRACT "A" AND 129 FEET SOUTHERLY THEREOF, MEASURED AT RIGHT ANGLES TO, FOR A DISTANCE OF 81.20 FEET TO A POINT IN THE WESTERLY LINE OF SAID TRACT "A"; THENCE SOUTHEASTERLY, ALONG SAID WESTERLY LINE, A DISTANCE OF 102.86 FEET; THENCE NORTHEASTERLY, MAKING AN ANGLE WITH THE PRECEDING COURSE OF 90°02'00", MEASURED FROM NORTHWEST TO NORTHEAST, A DISTANCE OF 72.27 FEET; THENCE EASTERLY, MAKING AN ANGLE WITH THE PRECEDING COURSE OF 157°13'00", MEASURED FROM WEST THROUGH SOUTH TO EAST, A DISTANCE OF 71.86 FEET, TO THE BEGINNING OF A CURVE, CONCAVE TO THE NORTH, HAVING A RADIUS OF 222 FEET AND A CENTRAL ANGLE OF 22°47'00'; THENCE EASTERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 88.28 FEET TO THE END OF SAID CURVE; THENCE EASTERLY, ALONG THE TANGENT TO SAID CURVE, A DISTANCE OF 30.65 FEET TO THE POINT OF BEGINNING.



BOUNDARY SURVEY

PHOTOCOPYING PROHIBITED © 2014

LEGAL DESCRIPTION (As furnished by client)

DESCRIPTION ON REVERSE AND MADE A PART HEREOF.

FOR REFERENCE ONLY NOT A VALID SURVEY UNLESS SEALED WITH MY EMBOSSED SEAL AND SIGNED BY ME.

NOTES:

1. 100 YEAR FLOOD, 3 YEAR 24 HOUR RAIN DATA NOT AVAILABLE.
2. WRITTEN DIMENSION TAKE PRECEDENT OVER SCALED DIMENSIONS. DISTANCES ARE NOT TO BE SCALED FOR CONSTRUCTION AND/OR DESIGN PURPOSES.
3. FIELD MEASUREMENTS, PLAT MEASUREMENTS AND DEED MEASUREMENTS ARE CONCURRENT UNLESS OTHERWISE SPECIFICALLY STATED ON THIS SURVEY.
4. NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED AS PART OF THIS SURVEY, UNLESS SHOWN OR MADE NOTE OF HEREON.
5. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAY AND/OR OWNERSHIP HAVE BEEN FURNISHED THIS SURVEYOR, EXCEPT AS SHOWN.
6. ENCROACHMENTS, IF ANY ARE SHOWN HEREON.
7. BEARING SHOWN HEREON REFER TO THE RECORDED PLAT AS STATED IN DESCRIPTION ABOVE.
8. CENTERLINE OF JASMINE DRIVE HAS A PLAT BEARING OF N 89°07'37" E AND ALL OTHER BEARINGS SHOWN HEREON REFER THERETO.
9. ELEVATIONS, IF ANY, SHOWN HEREON REFER TO NATIONAL GEODETIC VERTICAL DATUM (1929) WHERE MEAN SEA LEVEL IS 0'00.
10. THIS SURVEY IS NOT TRANSFERABLE BY OWNERS AFFIDAVIT OF SURVEY OR SIMILAR INSTRUMENT.
11. THIS SURVEY IS VALID IN ACCORDANCE WITH F.S. 627.7842, FOR A PERIOD OF 90 DAYS FROM THE DATE OF CERTIFICATION.
12. THIS SURVEY MEETS PRECISION REQUIREMENTS FOR SUBURBAN SURVEYS. RELATIVE PRECISION IS GREATER THAN 1 FOOT IN [illegible].
13. ADDITIONS OR DELETIONS TO THIS SURVEY MAP AND/OR REPORT BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
14. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

ROBERT W. STEAD
Licensed Florida
5524
SEPT. 03, 2014
STATE OF FLORIDA
Professional Surveyor and Mapper

ROBERT W. STEAD, P.S.M. NOT VALID WITHOUT MY SIGNATURE AND MY ORIGINAL RAISED SEAL
THE SURVEY DEPICTED HEREON IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE

LEGEND:

AC = AIR CONDITIONING PAD	= EXISTING ELEVATION	PB = PLAT BOOK
Δ = CENTRAL ANGLE/DELTA	12.34 = PROPOSED ELEVATION	P.O.B. = POINT OF BEGINNING
BT = SOIL TEST SITE	FH = FIRE HYDRANT	P.O.C. = POINT OF COMMENCEMENT
BM = BENCHMARK SYMBOL	C.M. = CONCRETE MONUMENT	PC = POINT OF CURVATURE
ASPH = ASPHALT	FF = FINISH FLOOR	P.R.M. = PERMANANT REFERENCE MONUMENT
BENCH = BENCHMARK	IR = IRON ROD	PG. = PAGE
CABLE = CABLE TELEVISION BOX	I.R. = IRON ROD	PLTR. = PLANTER
CALC = CALCULATED	N & T = NAIL & TIN DISC	POR. = PORCH
C.B.S. = CONCRETE BLOCK STRUCTURE	P.K. = P.K. NAIL	PROP. = PROPOSED
C.L.F. = CHAIN LINK FENCE	U.P. = IRON PIPE	R. = RADIUS
C.M.P. = CORRUGATED METAL PIPE	H.W.F. = HOG WIRE / WILD FENCING	R.C.P. = REINFORCED CONCRETE PIPE
CL = CENTERLINE	LP = LIGHT POLE	R/W = RIGHT OF WAY
CONC. = CONCRETE	LB = LICENSED BUSINESS	SIR"LW = 5/8" IRON ROD AND CAP #2992
COV. = COVERED	(M) = FIELD MEASUREMENT	S.F. = SQUARE FEET
DESCR. = DESCRIPTION	MH = MANHOLE	S.T. = SEPTIC TANK
D.B. = DEED BOOK	MAX. = MAXIMUM	SCR'D. = SCREENED
D.E. = DRAINAGE EASEMENT	MON. = MONUMENT	T.B. = TELEPHONE RISER BOX
D.U.E. = DRAINAGE AND UTILITY EASEMENT	MIN. = MINIMUM	TYP. = TYPICAL
D.F. = DRAIN FIELD	NAD = NAIL AND DISK	U.E. = UTILITY EASEMENT
ENCR. = ENCROACHMENT	O.D. = OUTSIDE DIAMETER	UP = UTILITY POLE (POWER OR TELEPHONE)
ENCL. = ENCLOSURE	O.R.B. = OFFICIAL RECORD BOOK	W = WASHER
ESMT. = EASEMENT	OH = OVERHEAD UTILITY LINE	W.C. = WITNESS CORNER
EXIST. = EXISTING	P.C.P. = PERMANENT CONTROL POINT	W.F. = WOOD FENCE
EL = ELEVATION	(P) = PLAT DIMENSION	WM = WATER METER
ELEC. = ELECTRICAL PANEL		

TRIANGLE
Land Surveying, Inc.
Surveying to Specification
LB # 2992

6483 Royal Palm
Beach Boulevard
W. Palm Beach, FL 33412
561.798-3966 (phone)
561.791-8777 (fax)
triangle2992@gmail.com

SURVEY PREPARED FOR EXCLUSIVE USE OF:
WATERFRONT SERVICES, INC.
ORLANDO J. SPADO

FIELD DATE:	SCALE: 1" = 20'	ADDRESS: VACANT LAND
REVISED:	DRAWN BY: CFC	
JOB ORDER NO.: 18962	F.B. PG. CRG 6-44	

DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF TRACT "A", ACCORDING TO THE PLAT OF CITY SQUARE, AS RECORDED IN PLAT BOOK 27, PAGES 192 AND 193, PBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MOARE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE CENTERLINE OF 10TH STREET AND WEST JASMINE DRIVE; THENCE WESTERLY, ALONG THE CENTERLINE OF WEST JASMINE DRIVE, A DISTANCE OF 214.00 FEET TO A POINT; THENCE SOUTHERLY, AT A RIGHT ANGLE TO THE PRECEDING COURSE, A DISTANCE OF 25.00 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT "A", SAID POINT BEING THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL; THENCE CONTINUE SOUTHERLY, ALONG THE PRECEDING COURSE, A DISTANCE OF 129.00 FEET TO A POINT; THENCE WESTERLY AT A RIGHT ANGLE TO THE PRECEDING COURSE, A DISTANCE OF 81.20 FEET TO A POINT ON THE WESTERLY LINE OFSAID TRACT "A";; THENCE, MAKING AN ANGLE WITH THE PRECEDING COURSE OF 90°02'00", AS MEASURED FROM EAST TO NORTH, A DISTANCE OF 78.97 FEET ALONG THE WESTERLY LINE OF SAID TRACT "A" TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF 90°02'00"; THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 78.57 FEET TO THE POINT OF TANGENCY; THENCE ALONG THE NORTH LINE OF SAID TRACT "A", A DISTANCE OF 31.26 FEET TO THE POINT OF BEGINNING.

Location Map

TOWN LAKE OF PARK
PLANNING & ZONING BOARD
Meeting Date: Monday, June 29, 2015

STAFF REPORT

SPECIAL EXCEPTION AMENDMENT

AN APPLICATION BY HOWARD F. OSTROUT AND ASSOCIATES LLC AS AGENT FOR 900 10TH STREET/WATERFRONT SERVICES INC. TO AMEND RESOLUTION 48-12-13, TO REVISE THE PREVIOUSLY APPROVED SITE AND LANDSCAPE PLANS TO RECONFIGURE THE ONSITE PARKING BY ADDING AN ADDITIONAL PARKING AREA WHICH IS BEING UPGRADED WITH LANDSCAPING. ASSOCIATED BUILDING ELEVATIONS ARE ALSO BEING PROPOSED AND VARIANCE APPLICATIONS ARE BEING PRESENTED UNDER SEPARATE COVER.

BACKGROUND:

Applicant(s):	Howard F. Ostrout Jr. and Associates LLC
Owner(s):	900 10th Street LLC (Business Name: Waterfront Services, Inc./Pool Tek)
Address/Location:	900 10th St.
Net Acreage:	0.6123 ACRES (PCN: 36-43-42-20-06-001-0020); 0.2381 ACRES (PCN: 36-43-42-20-06-001-0040). TOTAL = 0.8504 ACRES
Legal Description:	CITY SQUARE SLY 115.77 FT OF NLY 277 FT OF ELY 174 FT & SLY 102.86 FT OF NLY 231.86 FT OF WLY 81.20 FT
Existing Zoning:	C-2
Future Land Use:	COMMERCIAL

Adjacent Zoning District

North:	Commercial -2 (C-2)
South:	Commercial -2 (C-2)
East:	Commercial-1 (C-1)
West:	Commercial-4 (C-4) & Campus Light Industrial/Commercial (CLIC) (FEC Railway)

Adjacent Existing Land Use Designation

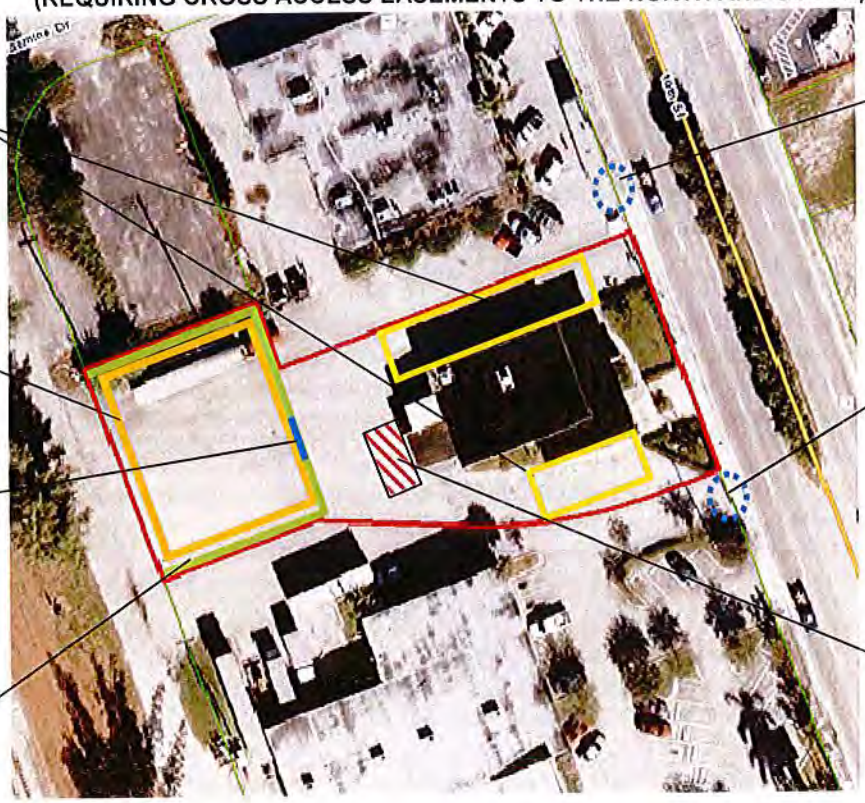
North:	Commercial
South:	Commercial
East:	Commercial
West:	Commercial Light Industrial

BACKGROUND

In June of 2013, the Town Commission approved Resolution 13-06-13 (the "Development Order"), authorizing the Special Exception Use of "building supplies/retail/storage warehouse (the "Application") to be located at 900 10th Street (the "Property"). The application for the Special Exception Use was submitted by H&L Planning and Development Consultants as the (then) authorized agent for 90010th Street LLC/Waterfront Services Incorporated (the "Applicant"). The Commission's approval of the Development Order authorized the Applicant to relocate its pool contracting company to the Property. The Property is located in the C-2 Zoning District which permits the Applicant's proposed uses as an approved special exception use.

As part of the original Application, the Applicant proposed seven (7) parking spaces on both the north and south sides of the existing building. This design relied upon the use of neighboring driveways to access these parking spaces. In order to implement this design, the Development Order imposed a condition which required the Applicant to enter into Cross Access Easement Agreements with the neighboring property owners to the north and south. However, the neighboring property owners were not willing to enter into these Cross Access Easement Agreements. As a result, the Applicant was not able to develop the Property pursuant to the approved Development Order and requested modification to this original development Order approved under Resolution 13-06-13.

FIGURE 1: CONDITIONS PER ORIGINAL SPECIAL EXCEPTION APPROVAL (REQUIRING CROSS ACCESS EASEMENTS TO THE NORTH AND SOUTH)



In December 2013, the Applicant proposed to amend the Development Order to revise the Site and Landscape Plan and provide parking in the back of the Property, instead of along the north and south sides of the building. The revised Site and Landscape Plan eliminated the need for the cross access easements with the neighboring property owners however, allowed for a unilateral access easement to be placed on the plans should the neighboring property owners agree to enter into cross access easement agreements in the future. The Site and Landscape Plan as revised showed a 25 foot, two way drive aisle (accessed by a driveway) on the north side of the Property. Figure 2 illustrates the revised access at the time to the Property and the relocated parking spaces at the back of the building where the storage area was to have been located pursuant to the Development Order. The revised Site and Landscape Plan was approved under Resolution 48-12-13 (representing the current Development Order for the Property) by the Town Commission on December 18, 2013 with certain conditions that include the following:

(1) The Owner shall develop the Property consistent with the Site and Landscape Plan referenced as Sheet SP-1 prepared by Litterick Landscape Architecture, signed and sealed 12-05-2013 and received by the Department of Community Development on 12-05-2013. **(Being updated with this proposal)**

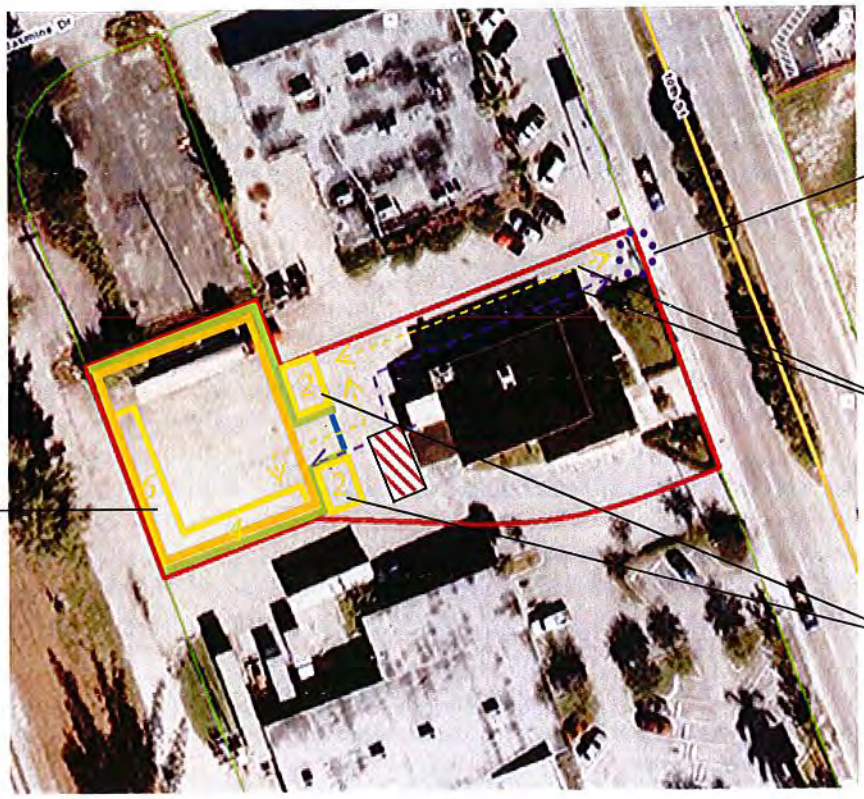
(2) The Owner shall incorporate Identification signs reading "Customer Parking" in the customer parking spaces. **(Included and being proposed with this proposal as well)**

(3) Prior to the issuance of the first development permit, if permitted access, the applicant shall revise the site plan to indicate the area on the property which could serve as ingress and egress to the property from the west. **(Applicant was not granted access)**

(4) Prior to the issuance of the first development permit, the applicant shall revise the Site Plan to indicate the areas on its property that will be dedicated to provide for cross-access easements to its property lines with the adjacent properties north and south. **(indicated on the previous site plan prior to development permit issuance and noted on the revised plan with this proposal)**

Through discussions by the Planning & Zoning Board and Town Commission at the time, it was also suggested to add additional pedestrian markings from the handicapped accessible space to the concrete ramp on the south side of the building, which was done and is reflected on the updated plan as well. The proposal did receive unanimous approval by the Planning & Zoning Board and Town Commission in late 2013 under Resolution 48-12-13

FIGURE 2: APPROVED MODIFICATIONS IN DECEMBER 2013



PROPOSED ONSITE TWO-WAY DRIVEWAY (curb cut is existing) driveway off

Traffic circulation for cars/box vans

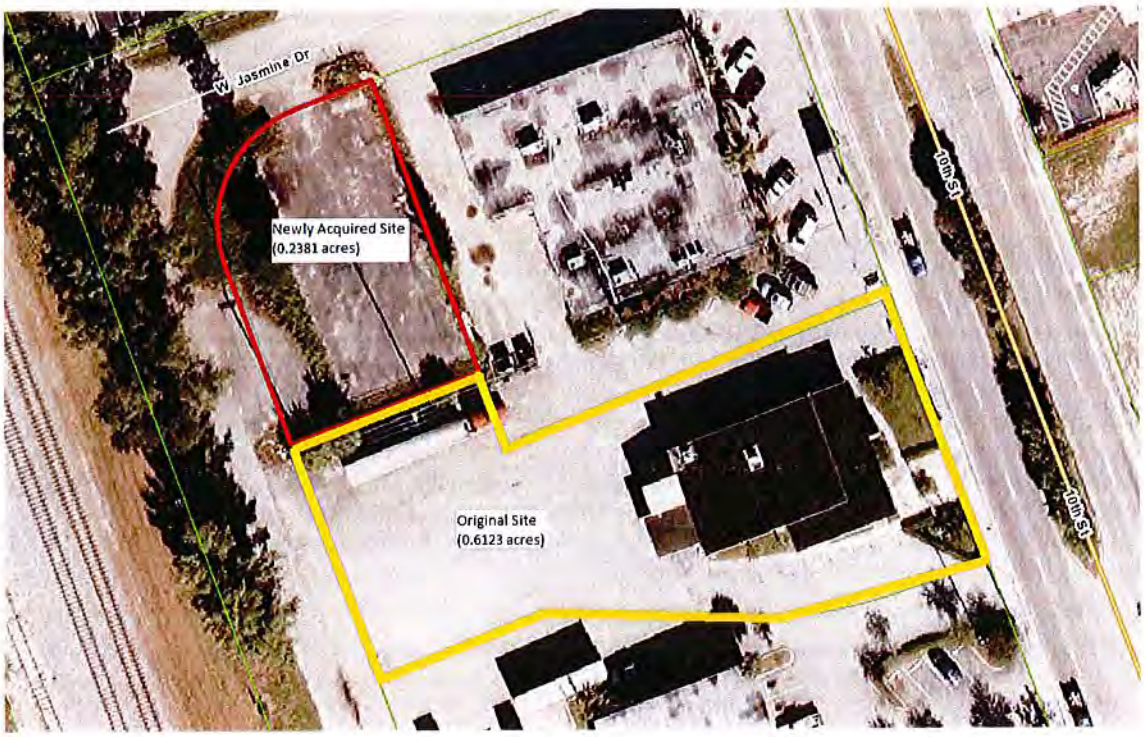
(10) Relocated parking spaces

(4) Relocated parking spaces

NEW REQUEST

Throughout most of 2014, the Owner moved forward with the renovations of the Property in order to bring it from an abandoned structure, which it had been for many years since the old post office vacated the site, to an active structure/site. Throughout these renovations, the Owner was presented with an opportunity to purchase a neighboring (adjacent) vacant property. Realizing that this would help with the business' parking, the Owner purchased the adjacent property identified in Figure 3 below:

FIGURE 3: NEWLY ACQUIRED SITE



In addition to purchasing the neighboring property, the Owner moved forward with the renovations of the Property which resulted in a renovation value that exceeded 50% of the assessed value of the properties due to the deteriorated state of the structure prior to its renovation. The resulting interior reconfiguration also shifted the square footage allocations of the actual office space and warehouse space, resulting in a different required parking calculation. Consequently, Mr. Howard F. Ostrout, Applicant and Agent for the Owner, 900 10th Street (Business Name: Waterfront Services, Inc./Pool Tek), submitted an application for a Special Exception Amendment in order to incorporate the newly acquired area into the overall Property and reconfigure the parking areas to accommodate the required number of parking spaces. Since the renovation costs exceeded 50% of the assessed value of the properties, the landscaping and architectural codes were also prompted and the Owner was required to meet ALL minimum landscaping and architectural requirements in the Town Code prior to being able to finalize the renovations permits (*the original property at 900 10th Street has a 2014 assessed value of $225,332; the newly acquired property has a 2014 assessed value of $43,443; the total renovation costs were $176,215 for interior, electrical, mechanical, plumbing, and roofing*). This resulted in the Owner hiring Mr. Ostrout's firm

to assist with these added requirements. After numerous months reviewing the site's possibilities, the Owner advised staff that he was able to meet all but four codes sections and that they would subsequently be requesting four variances to the Town Code, which are being presented under separate cover to the Planning & Zoning Board who is the sole decision maker on variance requests.
These variance requests include:

(1) To **Section 78-253(h)(1)** of the Town Landscaping Code which requires a minimum 8-foot wide landscape buffer around all side and rear property lines and a 15-foot wide landscape buffer along the (street) front property line (*does not apply to areas being utilized for access*). The Applicant is unable to meet the minimum buffer width requirements for the west and south property lines and is requesting a reduction to 0 feet for the west property line and 3 feet for the south property line given the previously approved special exception outdoor storage area configuration which was considered as an integral part of the applicant's operation due to their equipment and storage requirements.

(2) To Section **78-253(h)(2)** of the Town Landscaping Code for the same landscape buffers listed in request #1, as it relates to the minimum 1 tree per 20 linear feet of street frontage and minimum 1 tree per 40 linear feet of interior property line requirements. Given the 0 feet on the south side of the storage area and 3 feet on the west side (if approved), trees cannot be accommodated in these areas.

(3) To **Section 78-333(3)** of the Town's Architectural Design Guidelines which require facades greater than 50 feet in length to incorporate recesses and projections a minimum of 12 inches in depth along a minimum of 20 percent of the total length of the façade. The east (front) wall measures 55 feet and the north (side) wall measures 77 feet. Even though the Applicant noted that the roofline projects out 5 feet 6 inches along the east (front) façade, the building does not propose any minimum 12 inch projection along 20% of any wall plane (in other words, for a 55 foot façade, this projection would be required along 11 feet of width on the front façade which measures 55 feet along approximately 15 feet of width along the north (side) façade. The rear wall is less than 50 feet therefore is not required to have a recess/projection and the south wall already includes a recess/projection of approximately 12 feet.

(4) To **Section 78-337(3)** of the Town's Architectural Design Guidelines which requires the roof edge and/or parapet to have a vertical change from the dominant roof condition at a minimum of four feet, with at least one such change to be located on the primary (front) façade adjacent to the street right-of-way. While the Applicant proposes aluminum lattice panels around the rooftop mechanical equipment in an attempt to screen this equipment, the roof edge and parapet treatment code section has not been met and would serve to more appropriately screen rooftop mechanical equipment.

Staff Analysis of the Application

The special exception use was originally approved using the Town Code criteria for special exception uses and met all the criteria. The use has not changed. The only modifications relate to the modifications parking space requirements and the added requirements for landscaping and architectural details that were prompted due to the increase in renovation costs. This requires an updated Development Order with updated references to newly proposed Site Plan, Landscape Plans and Architectural Elevations. The updated Site Plan has been modified to reflect a revised parking calculation as follows:

→ 2,800 square feet of office space @ 4 spaces per 1,000 square feet = 11 required office spaces

→ 1,161 square feet of warehouse @ 1 space per 2,000 square feet = 1 required warehouse space

→ 8 maximum employees @ 1 space per employee = 8 required employee spaces

...for a **TOTAL OF 20 REQUIRED PARKING SPACES**. With the newly acquired parcel and the reconfiguration of the parking spaces, the Applicant is proposing 24 parking spaces, which exceeds the Code requirement.

In an attempt to be business-friendly and allow the Owner's business, Waterfront Services, Inc./Pool Tek to carry forth without hindering their operation, the Owner has been able to secure final inspections on the interior renovations in order to safely move into the building however, is awaiting the outcome of these requests in order to complete the exterior of the building and the overall site. Since late 2014 however and because the Owner had to invest a lot more money on the building than anticipated, the Owner, through Mr. Ostrout, has been working with the Town to meet the landscaping and architectural codes as best as possible. Four code sections have not been met and variances are being requested as listed above.

Since the use, but for the parking calculations detailed above have not changes, staff finds that the Application meets the special exception criteria set forth in the Code and also finds that even as revised, access to the Property will continue to be provided on the north side and now through the newly acquired lot, without having to depend on the neighboring properties. The Site Plan continues to offer a unilateral cross access as a preferred alternative method should the neighboring owners decide to enter into cross access easement agreements in the future, or if any property is no longer able to meet its own parking and access requirements in the future. The Owner has significantly improved the building and will continue to improve the overall site, all of which is a benefit to the community.

STAFF RECOMMENDATION

Staff recommends that the Planning & Zoning Board make a motion to **APPROVE** the Application, and the amendments proposed to the Development Order, subject to two conditions:

(1) The Owner shall develop the Property consistent with the Site Plan referenced as Sheet SP-1, prepared by Howard F. Ostrout & Associates, signed and sealed April 10, 2015 and received by the Department of Community Development on April 16, 2015; and

(2) The Owner shall develop the Property consistent with the Landscape Plans which include an Irrigation Performance standard, referenced as Sheets LPP-1 and LPP-2 prepared by Howard F. Ostrout & Associates, signed and sealed June 10, 2015 and received by the Department of Community Development on June 10, 2015; and

(3) The Owner shall develop the Property consistent with the Architectural Elevations referenced as Sheets A-1 prepared by JM Designs of the Palm Beaches, Inc., signed and sealed April 16, 2015, and received by the Department of Community Development on April 16, 2015; and

(4) The Owner must add an 11-foot wide (minimum) feature along the front (east) wall that projects out (horizontally) a minimum of 12 feet and up (vertically) above the roofline a minimum of 4 feet, in order to satisfy Section 78-333(3) and 78-337(3) of the Town Code. This architectural inclusion should be considered in front of the rooftop mechanical equipment to further screen the equipment from public view. A second vertical change at a minimum 4 feet must be considered along the south or north roof edge to satisfy the second location requirement in Section 78-337(3) of the Town Code and consideration should be given to further screen the rooftop mechanical equipment.

(5) The Owner incorporate a faux stone appliqué, or similar design detail, around the entire base of the building to add interest and variation.

(6) The Owner is required to submit a Plat application for review and approval in order to combine the two lots.

DEC 2 3 2014

Development

THE TOWN OF LAKE PARK
Community Development Department

APPLICATION FOR SPECIAL EXCEPTION REVIEW

Name of Applicant/Agent: Orlando Spado (Agent: Howard F. Dystrup & Associates)

Address: 900 10th Street Lake Park, Florida 33403

Telephone: (561) 514-1514 Fax: (561) 514-1573

E-mail address: Ori@wfsifl.net

✓ Owner _____ Agent (Attach Agent Authorization Form)

Owner's Name (if not applicant): _____

Address: _____

Telephone: _____ Fax: _____

E-Mail address: _____

Property Location: _____

Legal Description: See Attached

Property Control Number: BUILDING 36-43-42-20-06-001-0020 / LAND 36-43-42-20-06-001-0040

Future Land Use: Commercial Zoning: C-2

Acreage: .833 Square Footage of Use: 36,298

Proposed Use: 3,961 Sf building (2,800 sf office, 1,161 sf warehouse) 24 parking spaces, & equip. and material storage.

Adjacent Property

Direction	Zoning	Business Name	Use
North	C-2	C-2	Retail
East	C-1	Vacant	Vacant
South	C-2	Mixed use retail stores	Retail
West	N/A	N/A	Railroad tracks

APPLICATION REQUIREMENTS:

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

See Attached

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.

See Attached

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 location; mass; height and setback; and other relevant factors peculiar to the proposed Special Exception use and the surrounding property.

See Attached

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.

See Attached

5. Please explain how the 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; (c) The effect on the amount and flow of traffic within the vicinity of the proposed Special Exception use. See Attached

6. Please explain how the proposed Special Exception use meets the following requirements; (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 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; and (e) provides pedestrian amenities, including, but not limited to, benches, trash receptacles, and/or bicycle parking.

See Attached

7. Please provide the following:

   a. Special Exception fee plus escrow of $800.00.

   b. Advertising costs: The petitioner shall pay all costs of publication of public hearing required in a newspaper of general circulation within the Town. This cost will be deducted from the escrow.

   c. Courtesy Notice Property Owners List. A complete list of property owners and mailing addresses of all property owners within 300 feet of the subject parcel as recorded in the latest official tax role in the County Court House. Certified Mail will be sent to all owners within 300 feet; postage will be deducted from escrow.

   d. The applicant must place a 3'x 3' sign on the property to be readily visible to vehicular and pedestrian traffic stating "THIS SITE IS BEING CONSIDERED FOR A CONDITIONAL USE – TOWN OF LAKE PARK". The applicant shall remove sign from subject property within ten (10) days of final action.

   e. Location Map

f. Provide a site plan drawn to scale indicating the size of the buildings, the intended floor area ratios, the quantity of parking spaces proposed to be provided, the intended access road(s), the general type of construction in accordance with the Florida Building Code and the codes of the Town of Lake Park, and the availability and approximate location of utilities.

g. Provide a certified boundary survey by a surveyor registered in the State of Florida containing an accurate legal description of the property and a computation of the total acreage of the parcel.

DOCUMENTS:

1. A statement of the applicant's interest in the property.

2. A warranty deed with an affidavit from the applicant that the deed represents the current ownership.

REPORTS:

A traffic impact analysis, if required by the Town Engineer or staff, on the project generated Traffic impact on the external street serving the site.

For the final review, 13 complete sets of all final required documents, after approval of all other governing agencies, must be submitted.

Gary R. Nikolits, CFA

Property Appraiser

Palm Beach County

Homestead Exemption E-file

LAND

Location Address 10TH ST
Municipality LAKE PARK
Parcel Control Number 36-43-42-20-06-001-0040
Subdivision CITY SQUARE IN PB 27 PGS 192 & 193
Official Records Book 26621 Page 5
Sale Date FEB-2014
Legal Description CITY SQUARE NLY 129 FT OF WLY 81.20 FT OF TR A

Owners
900 10TH STREET LLC

Mailing address
3600 INVESTMENT LN STE 103
RIVIERA BEACH FL 33404 1753

Sales Date	Price	OR Book/Page	Sale Type	Owner
FEB-2014	$70,000	26621 / 0005	WARRANTY DEED	900 10TH STREET LLC
JUN-2006	$70,000	20457 / 1846	WARRANTY DEED	JASMINE ASSOCIATES LLC
MAR-1989	$100	06018 / 0638	QUIT CLAIM	
MAR-1986	$100	04823 / 1885	QUIT CLAIM	

No Exemption Information Available.

Number of Units 0 *Total Square Feet 0 Acres 0.2381
Use Code 2800 - PKG LT / MH PK Zoning C2 - Business (36-LAKE PARK)

Tax Year	2014	2013	2012
Improvement Value	$2,262	$2,145	$2,224
Land Value	$62,025	$37,349	$37,349
Total Market Value	$64,287	$39,494	$39,573

All values are as of January 1st each year

Tax Year	2014	2013	2012
Assessed Value	$43,443	$39,494	$39,573
Exemption Amount	$0	$0	$0
Taxable Value	$43,443	$39,494	$39,573

Tax Year	2014	2013	2012
Ad Valorem	$1,254	$1,001	$1,004
Non Ad Valorem	$112	$112	$112
Total tax	$1,366	$1,113	$1,116

Gary R. Nikolits, CFA

Property Appraiser

Palm Beach County

Homestead Exemption E-file

Building

Location Address	900 10TH ST
Municipality	LAKE PARK
Parcel Control Number	36-43-42-20-06-001-0020
Subdivision	CITY SQUARE IN PB 27 PGS 192 & 193
Official Records Book	26619 Page 1837
Sale Date	FEB-2014
Legal Description	CITY SQUARE SLY 115.77 FT OF NLY 277 FT OF ELY 174 FT & SLY 102.86 FT OF NLY 231.86 FT OF WLY 81.20 FT

Owners	**Mailing address**
900 10TH STREET LLC	3600 INVESTMENT LN STE 103 RIVIERA BEACH FL 33404 1753

Sales Date	Price	OR Book/Page	Sale Type	Owner
FEB-2014	$375,000	26619 / 1837	WARRANTY DEED	900 10TH STREET LLC
MAY-2001	$1	15226 / 1862	QUIT CLAIM	P O LLC
MAR-1994	$100	08174 / 0580	WARRANTY DEED	
JUN-1993	$275,000	07746 / 0936	WARRANTY DEED	
APR-1987	$250,000	05254 / 0759	WARRANTY DEED	

1 2

No Exemption Information Available.

Number of Units 0 *Total Square Feet 3961 Acres 0.70

Use Code 4800 - WAREH/DIST TERM Zoning C2 - Business (36-LAKE PARK)

Tax Year	2014	2013	2012
Improvement Value	$96,587	$91,417	$87,837
Land Value	$182,342	$113,430	$113,430
Total Market Value	$278,929	$204,847	$201,267

All values are as of January 1st each year

Tax Year	2014	2013	2012
Assessed Value	$225,332	$204,847	$201,267
Exemption Amount	$0	$0	$0
Taxable Value	$225,332	$204,847	$201,267

Tax Year	2014	2013	2012
Ad Valorem	$6,088	$5,192	$5,107
Non Ad Valorem	$1,457	$1,413	$1,413
Total tax	$7,545	$6,605	$6,520

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, Orlando Spado, have read and understand the regulations above regarding cost recovery.

Signature of Property Owner

12-23-14
Date

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

Howard F. Ostrout Jr.
and Associates, LLC.

Planning
Landscape Architecture
Urban Design

P. O. Box 1415
Jupiter, Florida 33458

Phone 561-386-4433
Fax 561-744-1495

Web Site:
www.ostrout.com

Email:
howard@ostrout.com

APPLICATION REQUIREMENTS

1. The Special Exception request is consistent with the goals, objectives, and policies of the Town's Comprehensive Plan. The subject site has a Commercial Land Use designation and is in the C-2 Commercial Zoning District. The office and warehouse use with associated parking is compatible with the uses allowed in this land use designation and is consistent with the surrounding area.

2. 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. The applicant is requesting to use the property recently purchased adjacent to and just north of the 900 10th Street property bounded by Jasmine Drive to the north and the 50' road right-of-way directly to the west (adjacent to the railroad right-of-way). The subject property will be used for 20 parking spaces and associated landscape buffers.

3. Waterfront Services and Pool Tec offices, warehouse, and parking is compatible with the character and use 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 in the surrounding property. The 20 parking spaces which is the focus of this Special Exception application is consistent with other parking provided by the surrounding uses within the C-1 and C-2 zoning districts which surround the subject property.

4. The proposed use 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 in the area in which this Special Exception use is proposed to be developed. The redevelopment of the subject site for parking will be a significant improvement to the existing conditions onsite with the addition of new paving and landscaping.

5. The proposed Special Exception will not have a detrimental impact on the surrounding properties. The proposed use of 20 parking spaces which will serve the existing building will not increase the number of persons working on the property, will not increase noise, odor, or have any negative visual or potential nuisance factors generated by this Special Exception use application.

6. This Special Exception use for the 20 parking spaces will not significantly reduce light and airflow to adjacent properties. The improvement will not negatively affect property values in adjacent areas but improve them with the renovation of the asphalt parking areas and the addition of landscaping. The improvements will not be a

detriment to the improvement or redevelopment of surrounding properties in accordance with existing regulation and there will no negative impacts on adjacent natural systems or public facilities, including parks and open spaces. Because the 20 parking spaces are at the rear of the property along the railroad tracks, there is no need to provide pedestrian amenities, including, but not limited to, benches, trash receptacles, and more bicycle parking.

RESOLUTION NO. 48-12-13

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING RESOLUTION 13-06-13, AUTHORIZING AND ADOPTING A REVISION TO A PREVIOUSLY APPROVED SITE PLAN FOR THE PROPERTY LOCATED AT 900 10th STREET FOR THE USE OF THE PROPERTY AS AN OFFICE/RETAIL WITH STORAGE WAREHOUSE; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, H&L Planning and Development Consultants, acting as the agent (the "Applicant") on behalf of Waterfront Properties, Inc., and pursuant to Resolution 13-06-13 obtained Site Plan approval authorizing the use of the property located at 900 10th Street (the "Site") for use as a building supplies, office/retail and storage warehouse business; and

WHEREAS, the property is currently owned by PO LLC ("Property Owner"); and

WHEREAS, the subject property is within the C-2 Business District, and

WHEREAS, the previously approved Site Plan was dependent upon the Applicant securing Cross Access Easement Agreements with the property owners to the north and south to provide parking and access to the Site; and

WHEREAS, the Applicant was not able to secure Cross Access Easement Agreements and has redesigned the Site to reconfigure the parking spaces so as to provide the required parking and access drives onsite; and

WHEREAS, as a result of this redesign the new Site no longer requires the Cross Access Easement Agreements for parking and access; and

WHEREAS, the Town of Lake Park's Planning and Zoning Board has reviewed the Application and has recommended that the Town Commission approve the revised Site Plan; and

WHEREAS, the Town Commission has conducted a quasi-judicial public hearing to consider the Application and at this hearing considered the evidence presented by the Town staff, the Applicant, and other interested parties and members of the public; and

WHEREAS, the Town Commission has determined that conditions are necessary to render the Application consistent with the Town's Comprehensive Plan and other provisions of the Town's Land Development Regulations which are applicable, and

WHEREAS, the Applicant, the Property Owner, and their successors and assigns shall be subject to the conditions contained in Section 2 of this Resolution.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK:

Section 1. The whereas clauses are incorporated herein as the findings of fact and conclusions of law of the Town Commission.

Section 2. The Town Commission hereby approves the Application amending Resolution 13-06-13 and authorizes the development of the Site subject to the following conditions:

(1) The Owner shall develop the Property consistent with the Site and Landscape Plan referenced as Sheet SP-1 prepared by Litterick Landscape Architecture, signed and sealed 12-05-2013 and received by the Department of Community Development on 12-05-2013.

(2) The Owner shall provide signs on the Site to indicate the spaces reserved for "Customer Parking."

(3) Prior to the issuance of the first development permit, if permitted access, the applicant shall revise the site plan to indicate the area on the Property which could serve as ingress and egress to the property from the west.

(4) Prior to the issuance of the first development permit, the applicant shall revise the Site Plan to indicate the areas on its property that will be dedicated to provide for cross-access easements to its property lines with the adjacent properties north and south.

Section 3: This Resolution shall become effective immediately upon adoption.

The foregoing Resolution was offered by Commissioner O'Rourke who moved its adoption. The motion was seconded by Commissioner Flaherty and upon being put to a roll call vote, the vote was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	✓	
VICE-MAYOR KIMBERLY GLAS-CASTRO	✓	
COMMISSIONER ERIN FLAHERTY	✓	
COMMISSIONER MICHAEL O'ROURKE	✓	
COMMISSIONER KATHLEEN RAPOZA	✓	

The Town Commission thereupon declared the foregoing Resolution NO. 48-12-13 duly passed and adopted this 18 day of December, 2013.

TOWN OF LAKE PARK, FLORIDA

BY: _____
JAMES DUBOIS
MAYOR

ATTEST:

_____
VIVIAN MENDEZ
TOWN CLERK

TOWN OF LAKE PARK
SEAL
(TOWN SEAL)
FLORIDA

Approved as to form and legal sufficiency:

BY: _____
THOMAS J. BAIRD
TOWN ATTORNEY

Community Development
NOV - 8 2013
Received

RESOLUTION NO. 13-06-13

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SPECIAL EXCEPTION USE FOR BUILDING SUPPLIES OFFICE AND RETAIL SPACE WITH A STORAGE WAREHOUSE TO BE LOCATED AT 900 10th STREET IN THE C-2 ZONING DISTRICT; PROVIDING FOR CONDITIONS ASSOCIATED WITH THE USE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, H&L Planning and Development, ("Applicant" and "Agent") for Waterfront Properties, Inc. who will be the owner of a building supplies, office, retail and storage warehouse business to be located at 900 10th Street ("Subject Property") in the Town of Lake Park, Florida; and

WHEREAS, the property is currently owned by PO LLC ("Property Owner"); and

WHEREAS, the subject property is within the C-2 zoning district, and

WHEREAS, the Applicant has submitted an application for approval of a special exception use to allow a building supplies, office, retail and storage warehouse establishment ("Application") to be operated at 900 10th Street; and

WHEREAS, the Town of Lake Park's Planning and Zoning Board has reviewed the Application and has made its recommendation to the Town Commission; and

WHEREAS, the Town Commission has conducted a quasi-judicial public hearing to consider the Application; and

WHEREAS, at this hearing, the Town Commission considered the evidence presented by the Town Staff, the Applicant, and other interested parties and members of the public, regarding the Application's consistency with the Town's Comprehensive Plan, the special exception criteria as set forth in Section 78-184, and other provisions of the Town's Land Development Regulations which are applicable, and

WHEREAS, at the hearing the Town Commission determined that certain conditions are necessary in order for the Application to meet the special exception criteria of Section 78-184 and the Town's Land Development Regulations; and

WHEREAS, the Applicant, the Property Owner, and their successors and assigns shall be subject to the conditions contained in Section 2.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK:

Section 1: The whereas clauses are incorporated herein as the findings of fact and conclusions of law of the Town Commission.

Section 2. The Town Commission hereby approves the request for a special exception use of a building supplies, office, retail, and storage warehouse establishment on the subject property subject to the following condition:

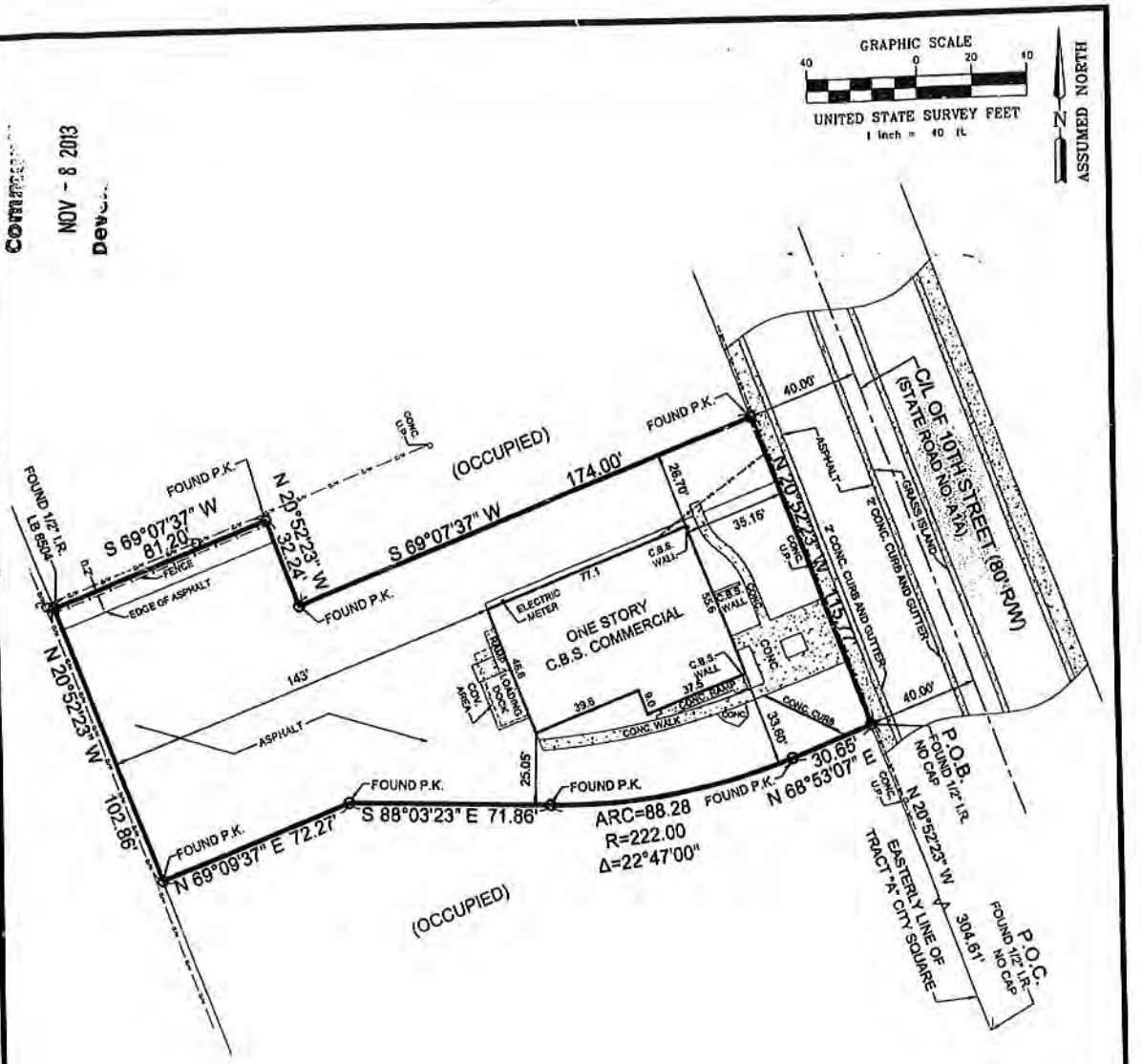
(1) The Owner shall develop the Property consistent with the following Plan submitted by H&L Planning and Development Consultants:

a) Site and Landscape Plan referenced as Sheet 1, and prepared by Tony Grimaldi Landscape Architecture, signed and sealed 05/21/2013 and received and dated by the Department of Community Development on 05/24/2013.

(2) The Owner shall submit a Cross Access Easement Agreement, executed by the Owner and the legal owners of the properties, north and south, prior to the issuance of any development permits. The Cross Access Easement Agreement shall be subject to the review and approval of the Town Attorney.

Section 3: This Resolution shall become effective upon adoption.

NOV - 8 2013



PHOTOCOPYING PROHIBITED © 2013

BOUNDARY SURVEY

LEGAL DESCRIPTION (As furnished by client)

LEGAL DESCRIPTION ON REVERSE AND MAD A PART HEREOF.

FOR REFERENCE ONLY NOT A VALID SURVEY UNLESS SEALED WITH MY EMBOSSED SEAL AND SIGNED BY ME.

NOTES:

1. 100 YEAR FLOOD, 3 YEAR 24 HOUR RAIN DATA NOT AVAILABLE.
2. WRITTEN DIMENSION TAKE PRECEDENT OVER SCALED DIMENSIONS. DISTANCES ARE NOT TO BE SCALED FOR CONSTRUCTION AND/OR DESIGN PURPOSES.
3. FIELD MEASUREMENTS, PLAT MEASUREMENTS AND DEED MEASUREMENTS ARE CONCURRENT UNLESS OTHERWISE SPECIFICALLY STATED ON THIS SURVEY.
4. NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED AS PART OF THIS SURVEY, UNLESS SHOWN OR MADE NOTE OF HEREON.
5. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAY AND/OR OWNERSHIP HAVE BEEN FURNISHED THIS SURVEYOR, EXCEPT AS SHOWN.
6. ENCROACHMENTS, IF ANY ARE SHOWN HEREON.
7. BEARING SHOWN HEREON REFER TO THE RECORDED PLAT AS STATED IN DESCRIPTION ABOVE.
8. THE EASTERLY LINE OF TRACT "A" CITY SQUARE HAS A PLAT BEARING OF N 20°52'23" W AND ALL OTHER BEARINGS SHOWN HEREON REFER THERETO.
9. ELEVATIONS, IF ANY, SHOWN HEREON REFER TO NATIONAL GEODETIC VERTICAL DATUM (1929) WHERE MEAN SEA LEVEL IS 0.00.
10. THIS SURVEY IS NOT TRANSFERABLE BY OWNERS AFFIDAVIT OF SURVEY OR SIMILAR INSTRUMENT.
11. THIS SURVEY IS VALID IN ACCORDANCE WITH F.S. 627.7842, FOR A PERIOD OF 90 DAYS FROM THE DATE OF CERTIFICATION.
12. THIS SURVEY MEETS OR EXCEEDS THE STANDARDS FOR SUBURBAN SURVEYS, RELATIVE PRECISION IS GREATER THAN 1 FOOT IN 7500 FEET.
13. ADDITIONS OR DELETIONS TO THIS SURVEY AND/OR REPORT BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
14. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

ROBERT D. WHITEFORD, PSM, Professional Surveyor and Mapper, STATE OF FLORIDA, FEB. 12, 2013

ROBERT D. WHITEFORD, PSM #4744 NOT VALID WITHOUT MY SIGNATURE AND MY ORIGINAL RAISED SEAL.
THE SURVEY DEPICTED HEREON IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE

LEGEND:

A/C • AIR CONDITIONING PAD	ELEV. • EXISTING ELEVATION	P.B. • PLAT BOOK
Δ • CENTRAL ANGLE/DELTA	PROP. • PROPOSED ELEVATION	P.O.B. • POINT OF BEGINNING
S.T. • SOIL TEST SITE		P.O.C. • POINT OF COMMENCEMENT
B.M. • BENCHMARK SYMBOL	• FIRE HYDRANT	P.C. • POINT OF CURVATURE
CONC. • ASPHALT	C.M. • CONCRETE MONUMENT	P.R.M. • PERMANENT REFERENCE MONUMENT
B.M. • BENCHMARK	F.F. • FINISH FLOOR	P.T. • PAGE
C.A.T.V. • CABLE TELEVISION BOX	I.R. • IRON ROD	P.T.R. • PLANTER
CALC. • CALCULATED	I.R.&C. • IRON ROD & CAP I.D.	P.CH. • PORCH
C.B.S. • CONCRETE BLOCK STRUCTURE	P.K. • P.K. NAIL	PROP. • PROPOSED
C.L.F. • CHAIN LINK FENCE	LF. • RICHLITE	• LOUVER
C.M.P. • CORRUGATED METAL PIPE	M.W.F. • MAG WIRE / FIELD FENCING	R.C.P. • REINFORCED CONCRETE PIPE
C/L • CENTERLINE	• UTILITY POLE	R/W • RIGHT OF WAY
CONC. • CONCRETE	• LIGHT POLE	RR SPK • RR SPIKE
COV. • COVERED	• LICENSED BUSINESS	S.F. • SQUARE FEET
DES. • DESCRIPTION	• FIELD MEASUREMENT	S.M. • SURVEYOR'S MAP AND DESK
D.B. • DEED BOOK	M/L • MEASURED	S.T. • SEPTIC TANK
D.E. • DRAINAGE EASEMENT	MAX. • MAXIMUM	SQFT. • SQUARE FEET
D.U.E. • DRAINAGE AND UTILITY EASEMENT	MIN. • MINIMUM	T.B. • TELEPHONE RISER BOX
D.F. • DRAINFIELD	MON. • MONUMENT	TYP. • TYPICAL
ENC. • ENCROACHMENT	N/D • NAIL AND DISK	U.E. • UTILITY EASEMENT
ENCL. • ENCLOSURE	O.D. • OUTSIDE DIAMETER	U.P. • UTILITY POLE (POWER OR TELEPHONE)
EASE. • EASEMENT	O.R.B. • OFFICIAL RECORD BOOK	W.M. • WATER METER
EXIST. • EXISTING	O.H. • OVERHEAD UTILITY LINE	W.F. • WOOD FENCE
ELEV. • ELEVATION	P.C.P. • PERMANENT CONTROL POINT	W.M. • WATER METER
E • ELECTRICAL PANEL	P.T. • PLAT DIMENSION	

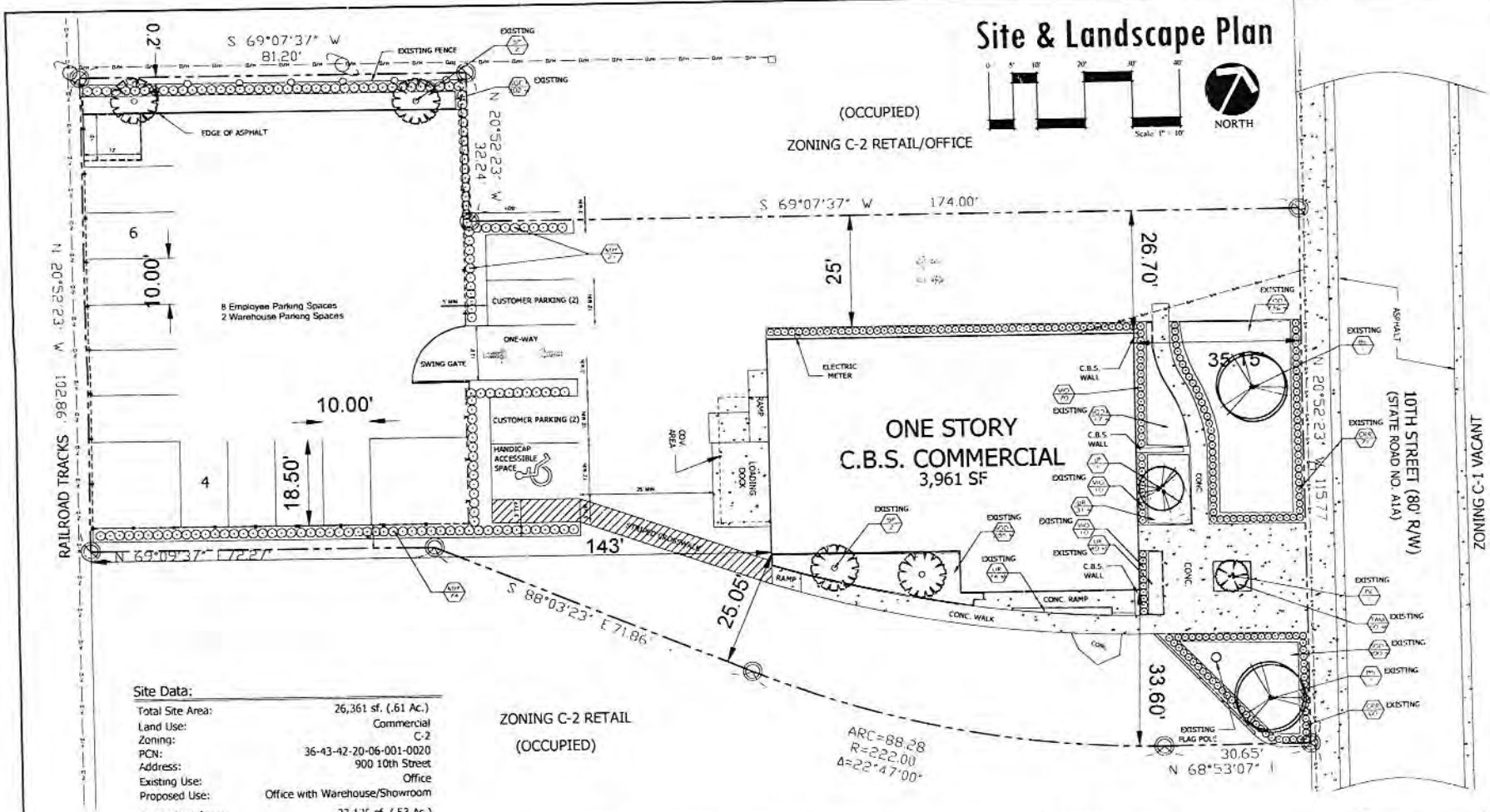
TRIANGLE
Land Surveying, Inc.
Surveying to Specification
LB # 2992

6483 Royal Palm Beach Boulevard
W. Palm Beach, FL 33412
561.798-3966 (phone)
561.791-8777 (fax)
triangle2992@gmail.com

SURVEY PREPARED FOR EXCLUSIVE USE OF:
ORLANDO J. SPADO

FIELD DATE: FEBRUARY 12, 2013	SCALE: 1" = 40'	ADDRESS: 900 10TH STREET LAKE PARK, FL 33403
REVISED:	DRAWN BY: CFC	
JOB ORDER NO.: 18459	F.B. PG. CRG 3-9	

Site & Landscape Plan



Site Data:

Total Site Area:	26,361 sf. (.61 Ac.)
Land Use:	Commercial
Zoning:	C-2
PCN:	36-43-42-20-06-001-0020
Address:	900 10th Street
Existing Use:	Office
Proposed Use:	Office with Warehouse/Showroom
Impervious Area:	23,126 sf. (.53 Ac.)
Building coverage:	3,961 sf.
Vehicular Use Area:	17,955 sf.
Sidewalk:	1,247 sf.
Pervious Area:	3,234 sf. (.08 Ac.)
Landscape:	3,234 sf.

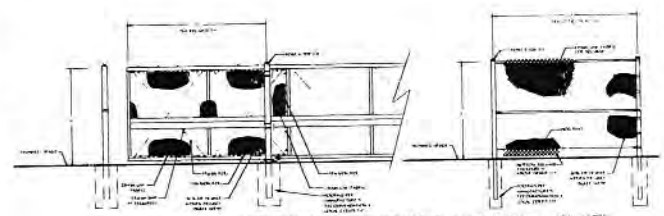
Total Building Sq. Ft. =3,961 SF
Office=1,000 SF
Showroom/Warehouse =2,961 SF
Hours of Operation: 7:30AM-4:30PM

Parking Required: 14 spaces
Office (Customer Parking) - 4 spaces/1,000sf @1,000sf=4 spaces
Warehouse/Storage - 1 space/2,000sf @2,961sf= 2 spaces
Employee - 1 space/Employee=8 spaces(8 Employees at Max Shift)

Parking Provided: 14 Spaces

PROPOSED LANDSCAPE PLANT SCHEDULE

EXISTING LANDSCAPE PLANT SCHEDULE



Gate & Fence Detail
Not to Scale

Planning & Development CONSULTANTS
612 N. Orange Ave. Suite A1, Jupiter, FL 33458
(561) 248-3919/(561) 222-9284

Litterick Landscape Architecture

Site & Landscape Plan
900 10TH STREET
LAKE PARK, FL 33403

Scale: 1" = 10'-0"

Designed JML
Drawn JML
Approved JML
Date 11/18/12
Job no.
Revisions 11/25/12
11/5/13

Sheet No. SP-1
JOB NO.