TOWN OF LAKE PARK
PLANNING & ZONING BOARD MEETING
AGENDA
AUGUST 5, 2013
7:30 P.M.
535 PARK AVENUE
LAKE PARK, FLORIDA

PLEASE TAKE NOTICE AND BE ADVISED: If any interested person desires to appeal any decision of the Planning & Zoning Board with respect to any matter considered at the Meeting, such interested person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. *Persons with disabilities requiring accommodations in order to participate in the meeting should contact the Town Clerk's Office by calling (561) 881-3311 at least 48 hours in advance to request accommodations.*

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

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

APPROVAL OF AGENDA

APPROVAL OF MINUTES

- Planning & Zoning Board Meeting Minutes of June 3, 2013

PUBLIC COMMENTS

Any person wishing to speak on an agenda item is asked to complete a Public Comment Card located in the rear of the Commission Chambers, and give it to the Recording Secretary. Cards must be submitted before the 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. **TEXT AMENDMENT** - To Section 78-111 of the Town of Lake Park Code of Ordinances to Increase the Fence Height Requirement for Multi-Family Structures with Parking Lots Facing the Street.

B. **TEXT AMENDMENT** – To Section 78-184 of the Town of Lake Park Code of Ordinances to Add Noticing and Submittal Document Requirements for Special Exception Use Applications.

C. **TEXT AMENDMENT** - To Section 78-144 of the Town of Lake Park Code of Ordinances to Create Joint Access and Cross Access Provisions in the Code.

COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

ADJOURNMENT

TOWN OF LAKE PARK
PLANNING & ZONING BOARD
MEETING MINUTES
JUNE 3, 2013

CALL TO ORDER

The Planning & Zoning Board Meeting was called to order by Chair Judith Thomas at 7:30 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Also in attendance were Thomas J. Baird, Town Attorney; Nadia DiTommaso, Community Development Director; Debbie Abraham, Town Planner, and Vivian Mendez, Recording Secretary.

APPROVAL OF AGENDA

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

	Aye	Nay
Judith Thomas	X	
Natalie Schneider	X	
James Lloyd	X	

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

APPROVAL OF MINUTES

Chair Thomas requested a motion for the approval of the Minutes of the May 6, 2013, Planning & Zoning Board Meeting as submitted. Board Member Lloyd made a motion to approve the Minutes. The motion was seconded by Vice-Chair Schneider, and the vote was as follows:

	Aye	Nay
Judith Thomas	X	
Natalie Schneider	X	
James Lloyd	X	

The Motion carried 3-0 and the Minutes of the May 6, 2013, Planning & Zoning Board Meeting were unanimously approved as submitted.

ORDER OF BUSINESS

Chair Thomas outlined the Order of Business and Public Comments procedures.

PUBLIC COMMENTS

Chair Thomas explained the Public Comment procedure.

NEW BUSINESS

A. **SPECIAL EXCEPTION APPLICATION FILED BY H&L PLANNING AND DEVELOPMENT CONSULTANTS, AS AGENT FOR WATERFRONT SERVICES, INC., TO OPERATE AS A "STORAGE WAREHOUSE, BUILDING SUPPLIES, AND RETAIL" BUSINESS AT 900 10TH STREET IN THE C-2 BUSINESS DISTRICT.**

APPLICANT: H&L PLANNING AND DEVELOPMENT CONSULTANTS

STAFF PRESENTATION

The Community Development Director, Nadia DiTommaso, addressed the Planning & Zoning Board and stated that this a Special Exception Use Application for a storage warehouse, building supplies and retail business to be located at 900 10th Street. The Applicant is H&L Planning and Development Consultants, acting on behalf of Waterfront Properties, who is looking to purchase the property. The current owner of the property is PO, LLC. The property is currently zoned C-2, Commercial-2, and has a commercial land use designation.

Ms. DiTommaso showed the location of the proposed use outlined on the Town Zoning Map. She stated that the proposed use is predominately warehouse, with additional retail and office space. Staff is asking that the application pursuant to the special exception criteria within Section 78-184 of the *Town of Lake Park Code of Ordinances* to include consistency with the Town Comprehensive Plan, zoning regulations, compatibility with the surrounding areas, compatibility with the surrounding properties, including the overall impacts to the surrounding properties, as well as traffic review. Staff has determined that all the special exception criteria have been met. Ms. DiTommaso stated that due to the extensive storage component that is being proposed at this site, both indoors and outdoors, the Applicant is proposing to improve the rear portion of the site with a screened-in area. The agenda packets show a plan (Sheet 1) with the proposed exterior outdoor storage area,

as well as information detailing the type of vehicles which are being proposed to be located within the outdoor screen enclosure. Ms. DiTommaso informed the Board that Staff has reviewed the parking scenario and there are 14 existing parking spaces, and the proposed use requires 14 parking spaces, therefore, all of the existing parking spaces are being proposed as part of this Application.

Ms. DiTommaso further explained that of the 3,961 square feet of building space, the Applicant is proposing that 2,961 square feet be utilized as storage, and the remainder be used as office and retail space. The Applicant is also proposing on quite a unique site, as this site has historically been utilized as a post office; and it does not have direct access into the site, neither on the north side nor the south side. Ms. DiTommaso pointed out on a visual the existing curb cuts located on the northern property and the southern property, and indicated that as a part of Staff's recommendation of approval, it is will be required that the Applicant provide shared parking documentation from both the north property owner and the south property owner.

STAFF RECOMMENDATION

Ms. DiTommaso stated that Staff is recommending approval of the Special Exception Application, with two (2) Conditions of Approval, as read into the record:

1) The owner shall develop the property consistent with the plans submitted by H&L Planning & Development Consultants: Site and Landscape Plan referenced as Sheet 1, and prepared by Tony Grinaldi, Landscape Architecture, signed and sealed on May 21, 2013, and received and dated by the Department of Community Development on May 24, 2013.

2) Shared Access Agreements must be submitted by the Applicant prior to the issuance of a Certificate of Completion. The Applicant is required to submit an Agreement from the neighboring north and south property owners, indicating a shared access scenario has been adopted for 900 10th Street. Occupancy shall be prohibited without this documentation.

Ms. DiTommaso stated that the Applicant is present this evening and will provide a presentation.

APPLICANT PRESENTATION

Mr. James Hatchett of H&L Planning & Development Consultants addressed the Planning & Zoning Board and stated that they are looking to occupy an existing building which has been vacant for a long time. Mr. Hatchett stated that this is a successful business which would be a good addition to the Town. Mr. Hatchett thanked Town Staff for the assistance that they have provided and that they have been great to work with.

Mr. Hatchett stated that they will meet the conditions of approval, and they are already in the process of working on addressing the parking issues with the neighboring properties to the north and the south. Mr. Hatchett stated that the Applicant is also in attendance.
Chair Thomas stated that there were no Public Comments Cards and opened the floor for discussion.

PLANNING & ZONING BOARD COMMENTS

Board Member Lloyd stated that he has no comments.

Vice-Chair Schneider asked if the landscaping would be irrigated and Mr. Hatchett stated that it would all be irrigated. Board Member Schneider inquired as to the age of the building and it was stated that the building was constructed in the 1960's.

Chair Thomas noted that in the Staff Report, Summary of Request, it was stated that this property is a vacant parcel being developed, but upon review she found that there actually is a building on the site. Chair Thomas questioned if there is a requirement in the Town Code for the amount of storage or construction storage yard. Ms. DiTommaso stated that if it is stored as an accessory use then it cannot take up more than 30%, but in this case it would be considered a primary use since it is coming before the P&Z Board as a Special Exception. Chair Thomas stated there is some confusion as it is written, and requested that it be clarified in the record that the Applicant is proposing that 70% of the interior space be utilized as storage/warehouse, rather than 70% of the actual site.

Chair Thomas questioned the cross access agreement with the Town and if there is anything in the Code saying that there must be access to a property, since the property has been vacant for over 5 years. Ms. DiTommaso stated that she has reviewed Town records, and the Applicant has reviewed their records, and they have found no historic documentation records found regarding a cross access agreement. Ms. DiTommaso stated that this is an issue which is occurring not only on this property, but on other properties as well and that since the Code is silent on this issue, Staff is currently working on cross access agreement language to be incorporated in the Town Code which should be moving forward in the next month or two. Chair Thomas stated that in her opinion, this is more than an issue for the Applicant, but more of an issue which should be a requirement within the Town Code, because if the Applicant, who does not own the property, is moving forward but is not granted access to the property, it is a moot point. And, if the Applicant does not actually own the property, how is access actually conveyed. Ms. DiTommaso stated that it is her understanding that when the property was previously being utilized as a post office, access was simply granted without any recorded agreement. Chair Thomas discussed with Mr. Hackett access to and from the property, parking spaces and the location of curb cuts. The Town Attorney answered Chair Thomas' questions regarding cross access agreements. The Town Attorney explained that the cross access agreements will be executed between the two property owners, will be recorded and the property owners will then be bound to the agreements. Mr. Hackett stated that he has spoken to the property owners to the north and the south, that the cross access agreements have been drawn up and are being discussed.

Vice-Chair Schneider requested clarification of the number of employees, as the Staff Report indicates 10 employees and the Site Plan Review Application indicates 8 employees. Mr. Hackett said that there are ten employees, but that most of the employees will go directly to their job sites, so that only 4-5 employees will actually work in the office. Mr. Hackett added that there will be a showroom set up on site for viewing of tile and marble.

Chair Thomas requested that the Town Attorney make sure that the language within the cross access agreement be consistent with what is required by the Town, since the Applicant is drawing up the cross access agreement. The Town Attorney stated that the Condition should be revised to make the shared access agreement subject to the review of the Town Attorney.

Board Member Lloyd and Mr. Hackett discussed the proposed lighting, and whether they would be using the existing lighting. Mr. Hackett stated that since they haven't addressed the lighting at this point, they will be utilizing the existing lighting.

PLANNING & ZONING BOARD RECOMMENDATION

There being no further discussion, Chair Thomas requested a motion from the Board. Vice-Chair Schneider made a motion to approve Staff's recommendation with the Conditions of the Shared Access Agreement being subject to the review and approval of the Town Attorney; to be submitted by the Applicant prior to the issuance of a Certificate of Completion; and to incorporate Sheet 1 as received by the Community Development Department on May 24, 2013. The motion was seconded by Board Member Lloyd and the vote was as follows:

	Aye	Nay
Judith Thomas	X	
Natalie Schneider	X	
James Lloyd	X	

The vote was 3-0 and the Motion was unanimously approved.

Town Attorney Baird suggested that the Agenda be re-ordered so that the Variance request is presented prior to the Site Plan Review.

B. **<u>VARIANCE REQUEST APPLICATION</u> BY SHELLCO CONSTRUCTION COMPANY FOR THREE (3) VARIANCES FROM THE TOWN'S LANDSCAPING CODE FOR THE DEVELOPMENT OF AN OFFICE/WAREHOUSE BUILDING ON GATEWAY INDUSTRIAL PARK, LOT 8, AS OWNED BY LPJ PROPERTIES, INCORPORATED.** ***APPLICANT: SHELLCO CONSTRUCTION COMPANY***

STAFF PRESENTATION

Debbie Abraham, Town Planner, stated that she will be presenting an Application for Site Plan Review and a Variance Request by Shellco Construction Company, and, since the Site Plan Review and the Variance Request are closely linked, she will be presenting them together, with the understanding that each item will require a separate motion by the Board.

The Town Attorney stated that the Variance request is a Quasi-Judicial item and asked the Board to disclose any ex-parte communications. There were no ex-parte communications disclosed by the Board and the witnesses were sworn in by the Town Attorney.

Ms. Abraham stated that Shellco Construction is a general contracting firm currently established in Palm Beach Gardens, and that Shellco Construction has diligently pursued plans to relocate and develop a 5,250 square foot office/warehouse on a vacant lot at the end of Gateway Road. The Site is about one acre in size and is located within the C-4 Zoning District, with a future land use designation of "commercial light industrial". The proposed use is permitted per the existing Town Code and Future Land Use Map. Ms. Abraham stated that the Site Plan Review process requires the Applicant's request to be consistent with the Goals, Objectives, and Policies of Town's Comprehensive Plan, and, since the Applicant's Site is currently vacant, the Applicant's development efforts will satisfy many of the Objectives and Policies within the Town's Comprehensive Plan, including those related to "development of underutilized lots" and "infill development" to the Future Land Use Element.

Ms. Abraham explained that as a part of the Site Plan Review Application, the Applicant's plans were submitted for plan review to the Town and were evaluated by the Town's Engineer, Landscape Architect, Palm Beach County Fire, Seacoast Utilities, the Town's Building Official, and Town Staff, and given the approvals of each plan reviewer, the details of the project are:

(Access & Traffic) The Site is accessible through the main entrance off Gateway Road. While this is the only point of ingress and egress, Palm Beach County Fire and PBC's Traffic Division have approved the Site's access and traffic circulation, as indicated in the Traffic Concurrency Letter within Site Plan Review packet.

(Drainage) The Applicant's Engineer, with guidance from the Town's Engineer and Northern Palm Beach County Improvement District, has formulated a plan to tie into the Town's existing drainage system. (There is a notation regarding a pending approval from NPBCID.) The Applicant initially proposed a drainage plan to tie in their system, but the Agency rejected that plan and authorized the Applicant to use the Town's system. The plan has conceptually been agreed upon by the Town Engineer, and the Applicant is developing the drainage plan.

(Parking) The Applicant is providing 25 parking spaces of the 25 spaces required by Town Code, given the square footage of the office space, warehouse space, and employee count.

(Signage) The Applicant is proposing the installation of one monument sign to be placed at the entrance. The sign will meet all existing Sign Regulations per Town Code, and the Applicant will not have any additional wall or window signs.

(Design) The proposed structure meets the Town's Architectural Design Guidelines by incorporating a varied roof line, a consistent color palette, and avoidance of blank walls.

(CPTED) The proposed layout of the facility meets the standards of Crime Prevention Through Environmental Design, which is a security criterion enforced by Site Plan design. The Site integrates access control, sufficient exterior hardening, and adequate lighting and surveillance.

(Landscaping) The proposed plans have met all of the Town's Land Development Regulations, but the Applicant is unable to meet three of the landscaping requirements due to existing underground infrastructure. This Site was considered for a 2-Phased development project a few years ago and at that time the Developer completed parts of Phase One, which resulted in the installation of easements by Seacoast Utilities, FPL, and the Town, but neglected to complete Phase Two of the project, and as a result, the vacant Site has underground infrastructure which was designed to accommodate a different lay out. The Applicant, Shellco Construction, now has the responsibility of developing a Site Plan that accommodates the existing infrastructure, while meeting Town setback and landscaping requirements.

Ms. Abraham showed on a visual that both Seacoast Utilities and FPL have easements along the perimeter, and have additional landscaping restrictions to protect their infrastructure. Seacoast Utilities does not permit plantings with large root balls within their easements, which conflicts with the Town's shade tree requirement, as shade trees have larger root balls than palm trees. Ms. Abraham explained that this hinders the Applicant from planting trees permitted by the Preferred Plant List as required by Code Sec. 789-253(h)(3), and also prevents the Applicant from meeting the total number of trees required by Code Sec. 789-253(h)(2). Also, FPL's overhang lines prohibit the Applicant from planting trees taller than 8 feet in height, which is a direct violation of Code Sec. 789-253(h)(13), which requires all trees to have a minimum height of 12 feet. Ms. Abraham explained that in order to satisfy Seacoast Utilities and FPL and partially mitigate the Variances from the Town's Code, the Applicant will plant clusters of two, 8' Sable Palms within the easements. The Applicant has satisfied all other landscaping requirements per Town Code.

As a result of these conflicts in Agency requirements, the Applicant is requesting three Variances, as follows:

Variance #	Code Section	Code Requirement	Provided
1	Sec. 789 - 253 (h)(2) Minimum Landscape Req.	The maximum spacing of planted trees along any perimeter buffer along a public street shall be 20 linear feet or fraction thereof; buffers not adjacent to public	The north side requires 8 shade trees, the Applicant has provided 6 palm trees; the west side

		streets shall contain one tree for each 40 linear feet or fraction thereof.	requires 7 shade trees, the Applicant provided 6 palm clusters of 2; the east side requires 6 shade trees, the Applicant provided 2 single-standing palm trees.
2	Sec. 78-253 (H)(3) Minimum Landscape Req.	75% of the total quantities of trees and plants shall be from the Town's Preferred Plant List. Palms shall not make up more than 50% of required plantings.	The Applicant has 69% plants from the Preferred Plant List. The Applicant proposes the use of non-approved palms in order to meet utility requirements; the Applicant has more than 50% palms.
3	Sec. 78-253 (h)(13) Minimum Landscape Req.	Required trees shall be a minimum of 12ft in height.	Applicant has provided 8' trees along the North side. 12' trees are not permitted per FPL due to overhead power lines.

STAFF RECOMMENDATIONS (VARIANCES & SITE PLAN REVIEW)

Ms. Abraham concluded that in response to the requests and the Applicant's Justification Statement, Staff is recommending approval of the Applicant's request for three (3) Variances. Additionally, Staff is recommending approval of the Site Plan Review, with Conditions 1-17 as listed in the Staff Report, as follows:

1. The Owner shall develop the Property consistent with the following Plans submitted by Land Design South:

    a. Site Plan, Paving & Drainage and Utilities plans referenced as SP-1, C-1, C-2 and C-3 respectively, and prepared by J-W Engineering Inc., signed and sealed 05/28/2013 and received and dated by the Department of Community Development on 05/29/2013.

b. Elevations and Photometric plans referenced as IA-5, IA-6 and SL1.1 respectively, and prepared by MMM Interior Design Inc., signed and sealed 05/28/2013 and received and dated by the Department of Community Development on 05/29/2013.

c. Landscaping and Irrigation plans referenced as L-1, IP-1 and IP-2 respectively, and prepared by Maureen Smith Landscape Architect, signed and sealed 05/29/2013 and received and dated by the Department of Community Development on 05/29/2013.

d. Survey referenced as Job No. 13-01-035, prepared by Brennan Surveying Inc. signed and sealed 05/24/2013 and received and dated by the Department of Community Development on 05/29/2013.

2. The Owner's successors and assigns shall be subject to the approved Development Orders for the Property, including conditions.
3. Construction is permitted only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, except holidays, unless otherwise approved in writing by the Community Development Director.
4. Any disturbance of the public right of way along Gateway Road which causes a disruption to the normal flow of traffic shall be subject to the review and written approval of the Directors of the Town's Public Works and Community Development Departments.
5. Any disruption to any of the surrounding entrance/exit streets and parking areas along Gateway Road which causes the disruption of the daily operation of nearby businesses shall require prior written approval by the Community Development Director.
6. The Owner's contractor must always employ commonly accepted practices that ensure the safety and well being of the general public.
7. All landscaping as shown on the Site and Landscaping Plans shall be continuously maintained by the Owner from the date of the issuance of the Certificate of Occupancy by the Town. It is the Owner's responsibility to replace any and all dead or dying landscape material at any time the Property is not in compliance with the landscaping requirements of the approved Site and landscaping plans.
8. The hedge material for the Property shall be maintained at four feet.
9. Safe and adequate pedestrian passage shall be maintained along the Property's frontage along Gateway Road.
10. The Owner shall ensure that any and all contractors use commonly accepted practices to reduce airborne dust and particulates during construction on the Property.
11. All dumpsters shall be enclosed as noted on the Site Plan and enclosure doors kept shut at all times. All dumpsters shall be acquired from the approved franchise supplier for the Town of Lake Park. The dumpster opening shall be modified to reflect a 12 ft x 10 ft opening.
12. Prior to issuance of the Certificate of Occupancy, the Applicant shall provide certification from the Landscape Architect of record that the plant installations on the

Property is in accordance with the Site and Landscaping Plans approved by th Town Commission.

13. Prior to the issuance of any building permit, an executed drainage easement agreement for the drainage pipe extending parallel to the north property line, must be submitted to the Town's Community Development Department.
14. Prior to the issuance of any building permits, the Applicant shall submit copies of any other permits required by other agencies, including but not limited to Palm Beach County Health Department, Seacoast Utility Authority, Palm Beach County Land Development Division, South Florida Water Management Division, Palm Beach County Fire Rescue and the State of Florida Department of Environmental Protection.
15. **The Engineer of record will need to provide the minimum calculations and governing agency coordination (NPBCID) necessary to confirm the site plan will work as designed prior to site plan approval by the Town Commission.**
16. Any revisions to the approved Site Plan, landscape plan, architectural elevations, signs, statement of use, photometric plan, or other detail submitted as part of the Application, including, but not limited to, the location of the proposed improvements or additional, revised, or deleted colors, materials, or structures, shall be submitted to the Community Development Department and shall be subject to its review and approval.
17. **The Owner shall initiate bona fide and continuous development of the Property within 18 months from the effective date of this development order. Such development shall be completed within 18 months from the effective date of initiation of development; unless extended as provided for in the Town of Lake Park Code of Ordinances Section 67-42 *Expiration of Development Approvals*.**

Ms. Abraham stated that while most of these conditions are customary to any Site Plan Review, she read the following Conditions into the record:

- **All landscaping must be maintained and hedges shall be maintained at a height of four feet**
- **The Applicant's final drainage plan must be approved by the Town's Engineer**
- **The Drainage Easement Agreement for the drainage pipe extended parallel to the north property line, which has already been submitted by the Property Owner, is subject to the approval of the Town Attorney.**

Ms. Abraham stated that the Applicant is in attendance. Matthew Ford, Asset Specialist, for the Applicant, and Jean Chardon, Shellco Construction, were present and stated they would be happy to answer any questions of the Board.

BOARD MEMBER COMMENTS

Chair Thomas opened the floor for discussion. Board Member Lloyd stated that it is obvious that the variances will be necessary in order to continue with the Project. Board Member Schneider asked if Seacoast Utilities and FPL have reviewed and accepted the landscape plans. Mr. Ford explained that they are in the process of working with both Seacoast Utilities and FPL regarding the landscape plans and stated that there are two letters from Seacoast Utilities regarding the conditions contained within the Site Plan packets.

There was discussion regarding the landscaping variances and the on-site drainage easement. Mr. Ford stated that there is an existing drainage pipe located directly south of the Seacoast Easement which belongs to the Town and it has not been recorded. The Applicant has submitted an Easement Agreement granting the Town access to the existing active drainage pipe and it is pending the Town Attorney's review. Chair Thomas asked if the Town Code addresses "takings" whereby the Town imposes easements for public use on private property, resulting in a reduction of the buildable area.

The Town Attorney responded that it is not an actual taking because without the drainage and utility easements, the Site would not have a reasonable use. Chair Thomas stated that the Town accepted it as a usable platted lot and the Town has reduced the usage of the lot because the Town has infringed upon it a number of easements; after all, the drainage pipe serves all of Gateway Road making it a public use. The Community Development Director stated that generally the actual building would not be allowed to be constructed on top of the easement, but the 12' Seacoast Utility Easement is what is preventing the Applicant from meeting landscaping requirements, but it is not preventing the Applicant from building on their site. The Town Attorney stated that if easements didn't exist, the Applicant would not have drainage or utilities and that easements are a fact of development life. The Town Attorney stated that the Applicant is saying that they have a legal hardship because of the conditions imposed upon the utility companies for landscaping, and they cannot construct landscaping to Town Code because of the locations and regulations associated with FPL's and Seacoast's easements.

There was discussion regarding the drainage pipe and Chair Thomas asked if the Town is allowing the property owner to drain into the pipe. The Community Development Director stated that after the Condition of Approval that was inserted in the Staff Report with connection to the Northern Palm Beach County Improvement District, they received rejection from NPBCID and an allowance to connect into the Town system. It was concluded that Condition #15 should be modified to reflect this change. The Community Development Director read into the record the modification of Condition #15 as follows:

> **15. The Engineer of record will need to provide the minimum calculations and confirmation of connection to the Town's Drainage System to confirm the site plan will work as designed prior to site plan approval by the Town Commission.**

Ms. DiTommaso stated that this modification will remove the language pertaining to the Northern Palm Beach County Improvement District.

The Town Attorney stated that the Condition is really not a condition of the approval, since the Town Commission approves the Site Plan and if they are submitting proof of drainage before the Commission considers it, then it would not be a condition of the approval. The Town Attorney stated that he believes that what the Board is requesting is that the Applicant provides confirmation of drainage prior to it going to the Town Commission for its consideration.

PLANNING & ZONING BOARD RECOMMENDATION (VARIANCES)

There being no further discussion, Chair Thomas requested a motion from the Board. Vice-Chair Schneider made a motion to approve Staff's recommendation to allow the three (3) Variances, with conditions, as stated in the Staff Report. The motion was seconded by Board Member Lloyd and the vote was as follows:

	Aye	Nay
Judith Thomas	X	
Natalie Schneider	X	
James Lloyd	X	

The vote was 3-0 and the Motion was unanimously approved.

C. **<u>SITE PLAN REVIEW APPLICATION</u> BY SHELLCO CONSTRUCTION COMPANY FOR THE DEVELOPMENT OF AN OFFICE/WAREHOUSE BUILDING ON A VACANT LOT LOCATED AT GATEWAY INDUSRIAL PARK, LOT 8, AS OWNED BY LPJ PROPERTIES INCORPORATED.** ***APPLICANT: SHELLCO CONSTRUCTION COMPANY***

PLANNING & ZONING BOARD RECOMMENDATION (SITE PLAN REVIEW)

There being no further discussion, Chair Thomas requested a motion from the Board for the Site Plan Review. Board Member Lloyd made a motion that the Planning & Zoning Board approves Staff's recommendation of the Site Plan Review, with Conditions 1-17, including the Modification of Condition #15, as read into the record by the Community Development Director. The motion was seconded by Board Member Schneider and the vote was as follows:

	Aye	Nay
Judith Thomas	X	
Natalie Schneider	X	
James Lloyd	X	

The vote was 3-0 and the Motion was unanimously approved.

COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

The Community Development Director stated that the Animal Services Establishment Text Amendment will be coming before the Town Commission this month, and the Special Exception for the Animal Services Establishment is on the June 19th Town Commission Agenda.

ADJOURNMENT

There being no further business before the Board, the Meeting was adjourned at 8:26 p.m. by Chair Judith Thomas.

Respectfully Submitted,

Kimberly Rowley
Planning & Zoning Board Recording Secretary

PLANNING & ZONING BOARD APPROVAL:

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

DATE:

_____

Town of Lake Park
Community Development Department

Meeting Date: August 5, 2013

Nadia Di Tommaso
Community Development Director

To: **Planning & Zoning Board**

Re: **Changes to Section 78-111**
Multi-Family Fence Height Provisions

I have come across what I believe to be a problem in the Code that needs to be fixed. The problem is in regards to the fence/wall height requirements for multi-family structures. The current Code contains regulations for fences/walls in 'residential' and commercial districts. Multi-family structures are located within the 'residential' districts. The regulations limit the height of front yard fences in the residential districts to 40 inches with an additional 6 inches for decorative caps. While these regulations are suitable for single-family and duplex lots, and may also be suitable for two or three-storey multi-family structures that are newly developed, or developed with interior parking areas, the regulations are not appropriate for higher intensity (more than three-story) multi-family buildings with parking areas facing the street. Generally, these types of multi-family buildings require front yard security which is accomplished through a combination of landscaping with a fence and a gate. Consequently, Staff is recommending a modification to the Town's Code of Ordinances to provide for an increased height limitation for multi-family residential structures with parking areas facing the street as follows:

Sec. 78-111. In residential areas.

(b)

Front yard walls and fences. Front yard walls and fences are those that are located, erected, constructed, reconstructed or altered along the front property line and along the side property line between the front building line and front property line to enclose the front yard.

(1)

Front yard fences. The maximum height of front yard fences shall be 40 inches above grade level. Poles and decorative caps may extend an additional six inches above the top of the wall or fence to a maximum of 46 inches in height above grade level. *Multi-family buildings with parking areas facing the street shall have a maximum height of six feet and shall be set back a minimum of three feet or sufficiently to include a landscaped strip between the fence and the street right-of-way line.* Front yard fences may be constructed of the following materials: painted/stained wood pickets, painted wrought iron, or painted aluminum. Front yard fences may not be constructed of chainlink fabric, chicken wire or unpainted/unstained wood material.

Several condominium buildings which are more than three stories along Lake Shore Drive already have five or six foot high fences/gates which were permitted long ago. Throughout time, the regulations have been modified; however, this has only recently come to Staff's attention. The amendment recommended by Staff would provide for a commonly accepted security practice for the condominium buildings along Lake Shore Drive that are designed with parking areas adjacent to the street, whereby a combination fence/gate at a maximum height of six feet is a common practice. Staff's intent is to allow what appears to have been allowed many years ago.

Staff recommends that the Planning and Zoning Board provide a recommendation of **APPROVAL** to the Town Commission.

EXISTING CODE SECTIONS (*reference only*)

Sec. 78-111. In residential areas.

(a)

Side and rear yard walls and fences. The maximum height of all walls and fences located, erected, constructed, reconstructed or altered from along the line side or rear property lines shall be six feet above grade level. Poles and decorative caps may extend an additional six inches above the top of the wall or fence to a maximum of 78 inches in height above grade level. The walls and fences allowed in this section may be constructed of the following materials: wood (natural, painted or stained), painted concrete, painted wrought iron, painted aluminum, vinyl, vinyl-coated chainlink, except in front yards as noted in section (b)(1) of this section. The walls or fences may be solid or opaque. Barbed wire is prohibited in residential areas.

(b)

Front yard walls and fences. Front yard walls and fences are those that are located, erected, constructed, reconstructed or altered along the front property line and along the side property line between the front building line and front property line to enclose the front yard.

(1)

Front yard fences. The maximum height of front yard fences shall be 40 inches above grade level. Poles and decorative caps may extend an additional six inches above the top of the wall or fence to a maximum of 46 inches in height above grade level. Front yard fences may be constructed of the following materials: painted/stained wood pickets, painted wrought iron, or painted aluminum. Front yard fences may not be constructed of chainlink fabric, chicken wire or unpainted/unstained wood material.

(2)

Front yard walls. Front yard walls may be constructed of painted and stuccoed concrete or other masonry, such as brick, but not brick facing, and shall have a maximum height of 30 inches above grade level. Decorative caps may extend an additional six inches above the top of the wall or fence to a maximum of 36 inches in height above grade level.

(3)

Combination wall/fence. A combination wall/fence consists of a short masonry wall which serves as a base for metal (wrought iron or aluminum) fencing material and shall have a maximum height of 40 inches. Poles and decorative caps may extend an additional six inches above the top of the fence material to a maximum of 46 inches in height above grade level. In a

combination wall/fence, the solid wall portion shall be limited to a maximum height of 16 inches.

(c)

Corner lots.

(1)

Generally. On a corner lot, walls and fences behind front yard building line with a maximum height of six feet may be constructed along the rear and side property lines, with the exception that all fences constructed on the side of the property next to the side yard street shall be set back a minimum of three feet or sufficiently to include a landscaped strip between the fence and the side street right-of-way line. Maintenance of the fence/wall and the associated landscaping is required. Side yard fences may not be constructed of chainlink fabric, chicken wire or unpainted/unstained wood material. Fences that are required in order to meet the requirement for barriers surrounding swimming pools constructed in the side yard shall meet the height and other requirements of the pool and spa code of the county and may be constructed of any of the materials listed in subsection (a) of this section.

(2)

Exception. Existing fences constructed prior to 1979 may be reconstructed or altered in order to satisfy swimming pool enclosure requirements provided there shall be no visual obstruction to vehicular traffic.

(d)

Construing term. In construing this section, a curb of 12 inches or less shall not be construed as a wall under the provisions of subsections (a) and (b) of this section.

(e)

Walls and fences in residential areas. Approved walls or fences shall be enhanced by adequate landscaping as required in subsection 78-253(14).

Sec. 78-112. In business areas.

(a)

In commercial districts, the walls and fences located, erected, constructed, reconstructed or altered outside of the building line shall not be over eight feet in height.

(b)

Whenever in business districts abut residential lot lines in residential districts, there shall be a solid masonry wall a minimum of six feet and a maximum of eight feet in height erected where the business property and the residential property abut, the wall shall run the full length of the lot line adjoining the residential property.

(c)

Whenever lots in business districts are separated from residential lots in residential districts by a dedicated alley, there shall be a solid masonry wall a minimum of six feet and a maximum of eight feet in height erected on that part of the alleyway closest to the residential district, the full length of the business lot line which lies across the alley from the residential property.

(d)

The costs and expenses of the building and maintenance of the separating wall shall be fairly apportioned, by special assessments, between the owners of the commercial lots and in the case where the residential units on abutting lots are multiple-family, then the owners of the multiple-family property. The town shall determine the apportionment of such expenses.

(e)

The wall must be maintained and kept in good repair so as to meet the minimum standards of subsections (b) and (c) of this section by the property owners as described in subsection (d) of this section. Any repair or replacement of an existing wall or section of a wall shall be made by replacing or repairing said wall with solid masonry block construction whenever the repairs or replacement exceeds 50 percent of any five-foot section of wall.

(f)

Other fences or walls erected in nonresidential zoning districts shall be constructed of material listed in section 78-114. Maximum height shall not exceed eight feet. Barbed wire fencing or strands on top of other fence materials is prohibited in all zoning districts with the following exceptions:

(1)

Up to three strands of barbed or razor with may be placed on top of any fencing used to enclose outdoor storage areas, in the following industrial areas:

a.

Lots bordering on Reed Road, Miller Way, Newman Road, and Brant Road.

b.

Lots bordering on 15th Street, 14th Street, 13th Street, 12th Street, Joulie Road, Kinetic Road, Industrial Avenue, Watertower Road Extension (to the east of Old Dixie Highway), Gateway Road, North and South Killian Drive, and 10th Court.

c.

In the above-stated industrial areas barbed wire is prohibited on fences that front or run parallel to Old Dixie Highway, Silver Beach

Road, Watertower Road, and Park Avenue Extension when completed.

d.

Properties located along Old Dixie Highway or 10th Street south of Northern Drive that exceed three acres and have exterior inventories that exceed $300,000.00 in value, or structures that might be prone to potential national security risks (e.g. cell towers) may apply to the community development department for a waiver to place barbed wire along the tops of their fences.

(g)

Junkyards or other unsightly occupancies shall be surrounded by a solid wall or fence of sufficient height and opacity to preclude a view from the outside. Such wall or fence shall be enhanced by adequate landscaping as required in section 78-253

(h)

All fences and walls, including pool barriers, shall meet the construction requirements of all applicable building and life/safety codes.

(i)

Special materials waiver. The town commission may, at its sole discretion, waive the requirement that alleyway separating walls be of solid masonry block construction and may instead approve a black or green vinyl coated, chain link fence six feet in height. A chain link fence shall be screened along its full length and height by appropriate hedging. Hedge shrubs shall be planted on two-foot centers and be capable of reaching a height of six feet within two years of planting. The hedging shall be at a height of no less than six feet.

Town of Lake Park
Community Development Department

Meeting Date: August 5, 2013

Nadia Di Tommaso
Community Development Director

To: **Planning & Zoning Board**

Re: **Changes to Section 78-184**
Noticing and Submittal Requirements for Special Exception Use Applications

The Town Staff and the Commission have discussed the Town Code's noticing requirements (or lack thereof) pertaining to Special Exception Use applications. Section 55-64 of the Code requires a certified mail notice to property owners within 300 feet (commonly referred to as a "courtesy" notice) of a proposed development application. This notice provision requires an Applicant who has made application to the Town for a development application to notify property owners within 300 feet of the property which is the subject of the application of the dates and times that a public hearing will be held to consider the application. Staff has previously determined that this provision does not necessarily apply to applications for a special exception use. Section 78-184 of the Town's Code of Ordinances which is entitled "Criteria for special exception", does not require a certified mail notice to property owners within 300 feet of a proposed special exception use because Staff has not considered special exception uses as development applications. This being said, special exception use applications, because of their nature, often impact properties within 300 feet of the use to an even greater extent than a permitted use. Accordingly, it is appropriate to require a courtesy notice to property owners within 300 feet of a proposed special exception use. To do so, it will be necessary to extend the requirements of Sections 55-64 to Section 78-184 of the Town Code which deals with Special Exception Use applications.

The Town Commission has also discussed with Staff the necessity of requiring site plans for owners of properties who propose to locate a special exception use on their property. To do so, it will also be necessary to extend Section 67-37 and 67-38 of the Town Code to incorporate this requirement into Section 78-184 which handles Special Exception Use applications. The text of the language to be added at an appropriate location within Section 78-184 is shown below:

Section 78-184. Criteria for special exception.

(A) Submittal Requirements

(1) Existing conditions and Proposed activities.

i.

In accordance with Section 67-38 of the Code, the applicant shall submit a location map identifying the area of the proposed application, which also shows the area within 300 feet of the subject property and a Site Plan. The Site Plan shall be inclusive of both interior and exterior activity notations. The Site Plan shall identify all proposed uses and provide square footage information, and

required parking calculations. Additional criteria may be required by the Community Development Director and is dependent on the use being proposed.

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

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

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

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

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

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

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

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

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

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

6(vi) That the proposed special exception use:

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

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

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

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

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

(B) Procedural requirements for special exception use applications.

1. Applicants for special exception uses shall submit a site plan and Statement of Use regarding the special exception use in accordance with the procedures of Section 67-37 of the Code. Once the Community Development Department determines that a special exception use application and the accompanying site plan are complete, it shall prepare a Staff Report evaluating the anticipated impacts of the proposed special exception use. Thereafter, the Community Development Department shall schedule and require the applicant to provide a courtesy notice pursuant to Section 55-64 of the Code for a public hearing for the Planning and Zoning Board's consideration of the proposed special exception use and site plan.

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

3.Within a reasonable time after the Planning and Zoning Board meeting, and in accordance with the notice requirements of Section 55-64 of the Code and F.S. § 166.041, theTtownCcommission shall conduct a quasi judicial public hearing in accordance with the procedures set forth in section 2-2 of this Code.

(C) Notice requirements.

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

state law for due process or any other purposes. A copy of the notice shall be kept available for public inspection during the regular business hours of the Town Clerk's office.

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

~~(b)~~ (D)

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

(1)

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

(2)

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

(3)

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

(4)

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

(5)

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

(6)

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

(7)

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

(8)

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

(9)

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

(10)

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

~~(c)~~(E)

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

Recommended Motion:

A MOTION BY THE PLANNING AND ZONING BOARD RECOMMENDING APPROVAL TO THE TOWN COMMISSION FOR THE PROPOSED TEXT AMENDMENTS TO SECTION 78-184 OF THE TOWN CODE OF ORDINANCES.

EXISTING CODE SECTION (*reference only*)

Sec. 78-184. Criteria for special exception.

(a)

A special exception use shall not be approved unless an applicant establishes that all of the following criteria are met:

(1)

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

(2)

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

(3)

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

(4)

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

(5)

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

a.

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

b.

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

c.

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

(6)

That the proposed special exception use:

a.

Does not significantly reduce light and air to adjacent properties.

b.

Does not adversely affect property values in adjacent areas.

c.

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

d.

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

e.

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

(b)

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

(1)

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

(2)

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

(3)

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

(4)

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

(5)

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

(6)

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

(7)

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

(8)

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

(9)

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

(10)

Specify other conditions of approval to permit development of the special exception use in conformity with the intent and purpose of this Code and the town's comprehensive plan.

(c)

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

Town of Lake Park
Community Development Department

Meeting Date: August 5, 2013

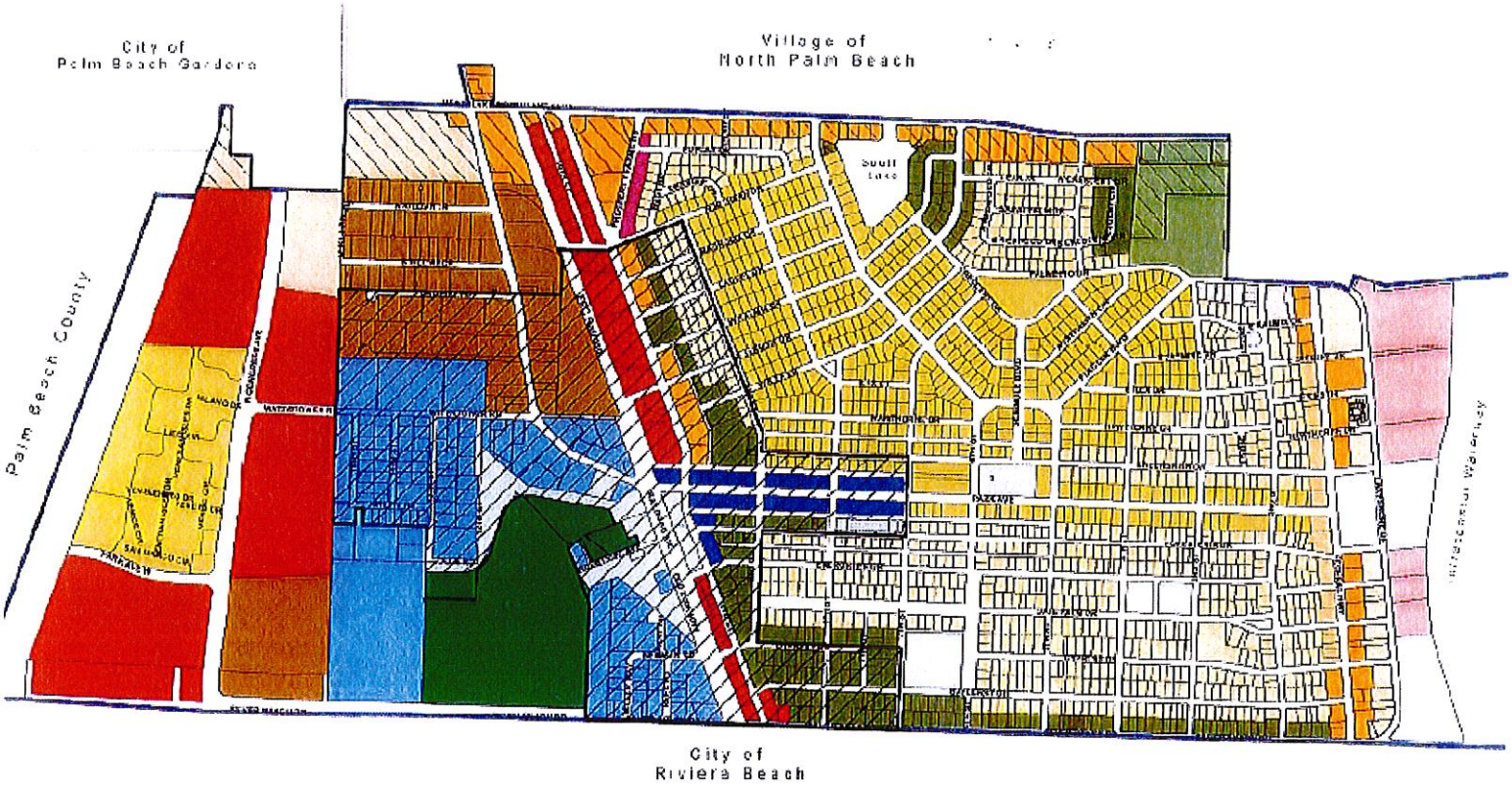
Nadia Di Tommaso
Community Development Director

To: **Planning & Zoning Board**

Re: **Changes to Section 78-144**
Creating Joint Access and Cross Access Language

Over the past few months, several Staff members have participated in conversations with private property owners as it relates to their parking lots, driveway connections and overall access to their properties. The Town's commercial zoning districts are illustrated on the Town's Zoning Map below:

Commercial-1 (C-1)
Commercial 1B (C-1B)
Commercial-2 (C-2)
Commercial-3 (C-3)
Commercial-4 (C-4)
Campus Light Industrial and Commercial (CLIC)
Park Avenue Downtown District (PADD)



Legend

CRA Boundaries

R1B	R2A	C1	Public	CRA	Conservation
R1AA	R3	C1B	PUD	NBOZ_overlay	
R1	R2	C2	PADD	C4	
R1A	TND	C3	CLIC	Lake_Park_Boundary	

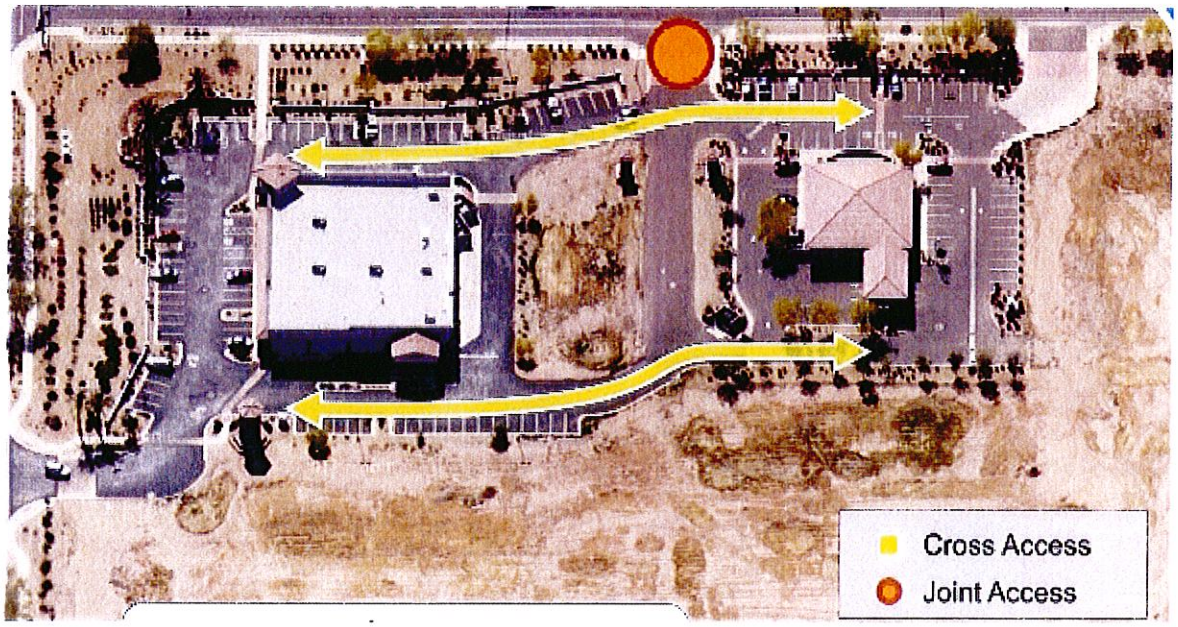
Policy 8.2 of the Town's Comprehensive Plan's Traffic Circulation Element promotes cross access and shared access (joint access) in stating the following:

Policy 8.2: At the time of redevelopment and through cross-access and shared access agreements, the Town shall discourage excessive curb cuts including the control of connections and access points of driveways and roads to roadways on arterial and major collector streets within the confines of the Town's roadway network.

WHAT IS JOINT ACCESS AND WHAT IS CROSS ACCESS?

Joint and cross access are methods of allowing adjacent properties to share driveways, drive aisles, and parking lot facilities. **Joint access** allows two adjacent property owners to share a driveway along their common property line. **Cross access** allows traffic to move between adjacent properties without re-entering the public roadway.

Example of Joint and Cross Access:



WHY IS JOINT ACCESS/CROSS ACCESS IMPORTANT?

The majority of the Town's commercial structures were built in the early 1960's and 1970's. While some of these commercial structures have been renovated, many of these commercial structures were built on lots that do not meet the Town's current land development regulations. Consequently, the majority of the existing parking lots, and the number of available parking spaces, drive aisles and driveways for commercial properties

in the Town, are non-conforming. The businesses and the Town would be better served if these businesses, on separate lots, were operated in conjunction with their neighboring lots. The changes proposed by Staff **provide an alternative method** to property owners to meet the access, parking and circulation requirements of the Code. Ultimately, a property owner will have two options:

(1) Utilize, build, renovate or expand upon their properties such that they meet the existing land development regulations, including those for parking, drive aisles, service drives and access points as required by Code.

OR

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

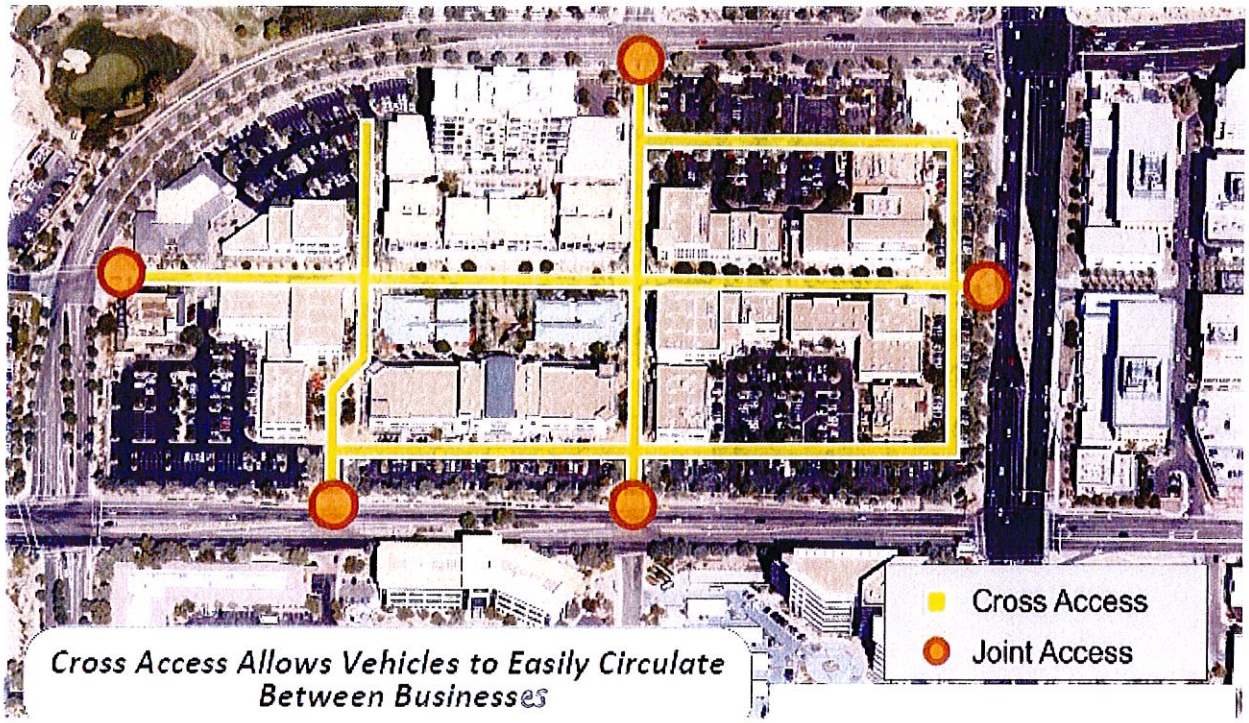
Property owners should be encouraged and incentivized to select option (2) because cross and joint access will enhance a property owner's development opportunities; improve roadways, pedestrian, and bicycle safety; reduce congestion; and support multi-modal travel. Cross access may also have an incidental benefit to the businesses to the extent that customers are encouraged to stay on-site and visit multiple businesses.

Joint and cross access diminishes roadway inefficiency. "Driveway hopping" is when vehicles are forced to go from one driveway to another, using the public street, to access an adjacent property. Slower vehicles that "driveway hop" then mix with higher speed vehicles traveling the street and this causes traffic on the public street to slow down, and sometimes brake quickly, on the public street. This can cause accidents and leads to driver frustration. With joint and cross access easement agreements in place, vehicles can travel between adjacent properties without having to use the public street.

Example of driveway hopping:

Joint access increases safety. Consolidating and using shared access points on a public roadway may reduce the number of accidents. Driveways of access points without a traffic signal allow vehicles to enter or exit the public roadway freely. This movement increases the potential for a conflict with vehicles in the traffic stream. When traffic volumes are high, the spacing between vehicles is smaller and drivers have less opportunity to safely enter or exit a driveway. A vehicle exiting the public roadway will generally brake before turning, which may result in rear-end and lane-change collisions. Encouraging adjacent property owners along public roadways to execute cross and joint access easements to share access may improve safety by minimizing driveway conflict areas.

Joint and cross access will benefit businesses. Properly designed driveways shared by multiple businesses may allow more site area for parking and landscaping. Sites with landscaped areas and sufficient parking are generally more attractive and convenient to customers and maintain or even increase their property values. Cross access connections between adjacent commercial developments will improve customer convenience. More businesses will be accessible to a customer without having to re-enter the public roadway. Individual businesses may also experience increased exposure from customers visiting adjacent businesses.



Cross Access Allows Vehicles to Easily Circulate Between Businesses

Staff is proposing the following text amendments to Section 78-144 of the Town of Lake Park Code of Ordinances, to include the following language:

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

(f) *Joint Access/Cross Access*

(1)

In order to provide for an alternative method to ensure the safe and efficient movement of traffic along public roadways and to comply with the minimum parking standards , properties fronting public streets in the Town's commercial zoning districts shall , whenever feasible, execute joint and cross access easements to share access points or driveways, drive aisles, and service drives, and to provide for cross and joint access between the businesses located thereon. Property owners who agree to execute joint and cross access easements with one another may be entitled to a reduction of the number of required parking spaces upon their respective properties by up to 50% provided a shared parking study which demonstrates that the parking demand for the properties can be met is submitted to and accepted by the Community Development Director. The study shall:

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

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

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

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

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

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

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

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

iv. A unified joint and cross access circulation system plan is encouraged whenever feasible.

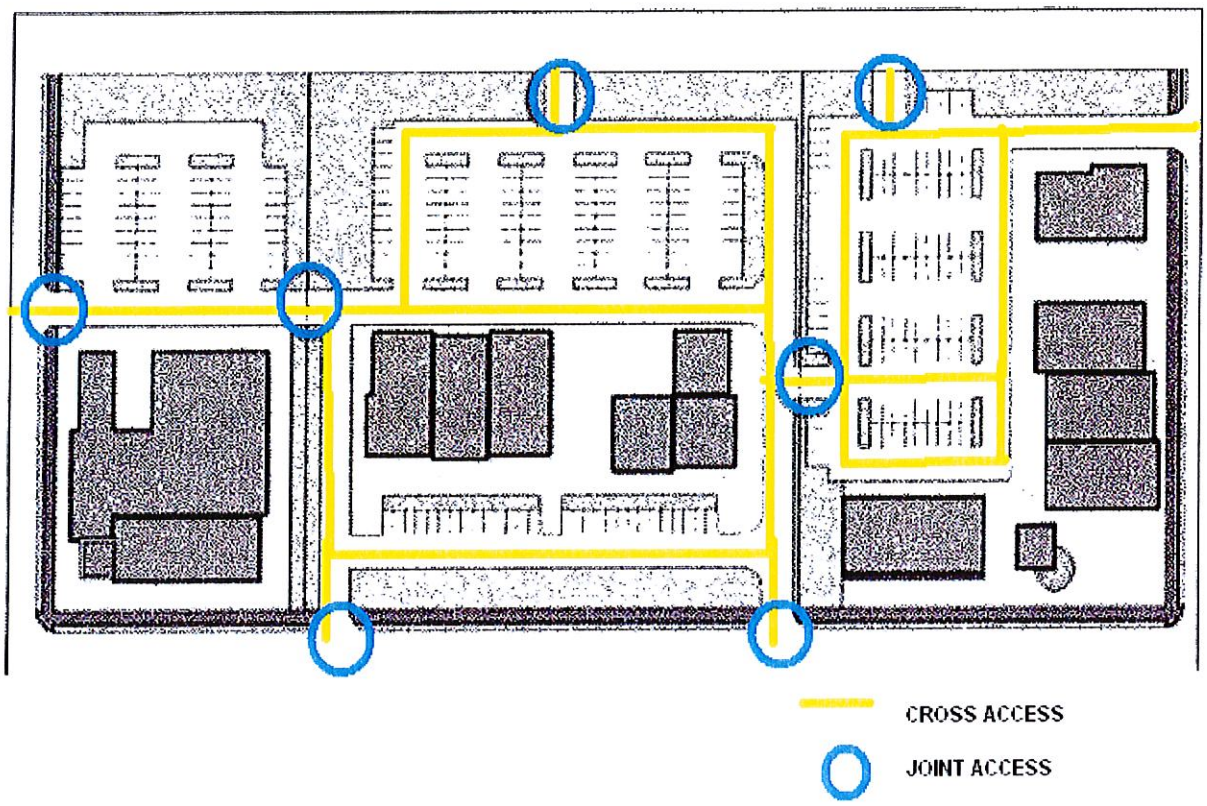


Figure 78-144-1: Cross-access between parking areas and adjoining developments. Joint access through the utilization of common driveways between developments.

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

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

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

STAFF RECOMMENDATION: A MOTION BY THE PLANNING AND ZONING BOARD RECOMMENDING APPROVAL TO THE TOWN COMMISSION FOR THE PROPOSED TEXT AMENDMENT TO INCORPORATE JOINT AND CROSS ACCESS REGULATIONS IN SECTION 78-144 OF THE CODE.

EXISTING CODE SECTION (*reference only*)

Sec. 78-144. Access to rights-of-way.

(a)

Intent. It is the intent of this section to provide control of access to streets in order to facilitate safe and efficient movements of traffic while affording reasonable access to abutting properties.

(b)

Driveways. Driveways shall be permitted by the community development director in accordance with the town standards and this section.

(1)

Distance between driveways.

a.

Except in townhouse clusters and planned unit developments, driveways along local or residential access streets at interior locations shall be permitted not closer than four feet from a side or rear property line to edge of driveway. There shall be no more than two driveways per lot.

b.

Along arterial and collector streets, driveways shall be spaced a minimum of 200 feet apart.

(2)

Construction. Driveways within or which abut streets under the control or jurisdiction of the town shall be constructed in accordance with the construction standards of this Code.

(c)

Street connections. Street connections shall be permitted by the community development department in accordance with the town's general development regulations and town standards.

(d)

Double frontage lots. Where a double frontage residential lot is located adjacent to a collector or an arterial street, it shall front on a local or residential access street. A limited access easement shall be placed along the property line which abuts either the collector street or the arterial street.

(e)

Exceptions. The community development director shall have the authority to grant a permit for lesser or greater distances than designated herein, giving consideration to the following factors:

(1) Lot size;

(2) Lot configurations;

(3) Proposed land usage;

(4) Traffic generation or anticipated traffic volume along adjoining rights-of-way;

(5) Traffic characteristics of the land usage;

(6) Driveway locations on contiguous property or property on the opposite side of the street;

(7) Median opening locations;

(8) Safe sight distance; and

(9) Such other factors as may be deemed pertinent by the community development director.